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EDITED BY HAVELOCK ELLIS.

THE CRIMINAL.

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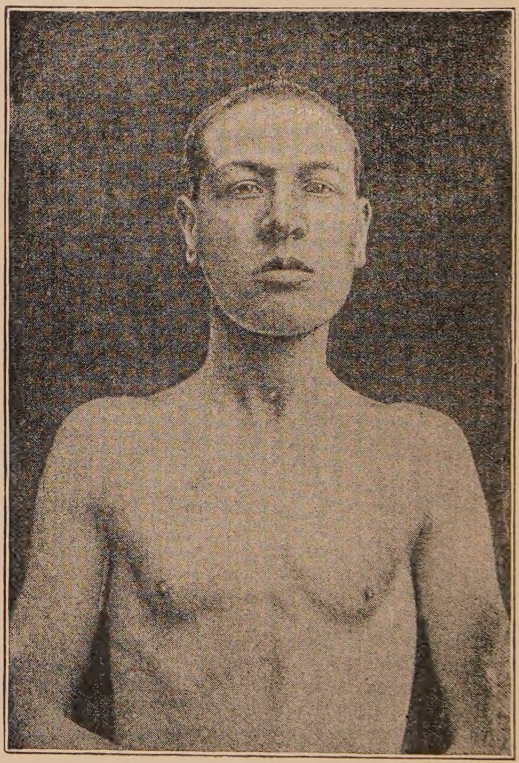

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THE CRIMINAL

BY

HAVELOCK ELLIS

FIFTH EDITION, REVISED AND ENLARGED

WITH 40 ILLUSTRATIONS

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PREFACE TO THE FOURTH EDITION.

WHEN I review the twenty years that have passed since this book was first published, I cannot fail to perceive that the wider problems of criminology are to-day taking on a new orientation. The problems that were acute twenty years ago are no longer acute, because there is now an approximation to general agreement concerning them. Through the pioneering energy and enthusiasm of what used to be called the Italian school, the physical and psychic characteristics of criminals, with their commonest anomalies, have been exhaustively explored, while the significance of these characteristics has been fully discussed. It is becoming generally agreed by those who are entitled to speak with authority that the criminal tends to be marked by a certain mental weakness that usually affects less markedly the intelligence than what we often improperly term the "moral" character, that is to say the instincts, feelings, will, and conduct. In so far as this is the case the criminal is a feeble-minded or imbecile person, who differs from the general body of his class in the fact that his intelligence is relatively, or even in some cases it may be completely, unimpaired, and so liable to become a dangerous instrument in the hands of the weakened or perverted psychic organism. Dr. H. B. Donkin, the Prison Commissioner, estimates that from 10 to 20 per cent. of the total number of persons committed to prison

are "demonstrably mentally defective;" this means that in England alone some 20,000 weak-minded persons, at least, are annually sent to prison. The nucleus of this large class is formed by the pronounced "moral imbecile," sometimes called the "born criminal." There are differences of opinion as to the precise manner in which this general conclusion should be formulated, or qualified, but the conclusion in itself is now seldom disputed. It corresponds, I may add, to the conception of the criminal which has from the first been set forth in the present work.

With regard to the treatment of the criminal, also, great progress has been made in all civilized countries. Here, indeed, progress is necessarily slow, for it is dependent on the development of enlightened and humane conceptions among the general population, and is also to some extent conditioned by the general social state of the masses, for it is necessarily impracticable to raise the state of life inside a prison to a high level when the conditions of life outside are at a low level. It is, however, now becoming more and more widely recognised that the proper method of treating criminals is not the method of simply meting out to them "punishments" in the form of a term of imprisonment roughly equivalent to what social opinion and the judge consider to be the size of the offence, a method which is merely a transformation of the old *lex talionis*. We now feel—and this is a highly important outcome of the labours of the criminal anthropologists — that our treatment of offenders must be so far as possible individualised, and directed not so much towards the crime as towards the criminal. The prison, as formerly established, was based on the now exploded idea that crime is an

abstract and uniform entity, the special characteristics of the criminal himself being a negligeable quantity; thus the prison was not adapted for the individualisation or even the classification of criminals. It is now becoming recognised that the prison must have in it elements borrowed from the hospital, the lunatic asylum, and the technical school, while yet remaining completely distinct and apart from all of these. Even in England attempts—gradual and tentative in our English manner—are now being made not only to avoid so far as possible the necessity of sending offenders to prison, but also to establish prisons (notably the Borstal Institution) on modern and intelligent lines, although it is admitted that these attempts are still in their infancy. The Penal Reform League (founded in 1907 with Captain Arthur St. John as its energetic Honorary Secretary) performs good work in stimulating and furthering these attempts, and in educating puplic opinion as to the necessity of "a curative and educative system" for the treatment of criminals, although as yet even the members of this League are not unanimous in relation to the indeterminate sentence, which, for the individual's benefit, is really as cardinal a principle in the treatment of prison inmates as of hospital inmates, while from the point of view of social protection it is even more necessary.

In addition to the efforts now being made to remould our prison system, it is also beginning to be realised that the question of criminality must also be approached in a broader manner. Ferri long ago in his *Sociologia Criminale* insisted on the necessity of "penal substitutives" or non-penal methods of combating criminality. The general realisation of the fact that criminality is largely based on congenital psychic

weakness has indicated that an important "penal substitutive" is to be found in early and systematic care for the feeble-minded as a class. In England a Royal Commission on the Care and Control of the Feeble-minded, appointed in 1904, issued four years later a very able, comprehensive, and careful report, which brings together an enormous mass of information and formulates an admirable scheme for dealing with the mentally defective classes generally, to be administered under a national centralised authority, the Board of Control for the Mentally Defective, all members of the defective classes being under the care of the authority, though by no means necessarily in confinement. The Royal Commissioners were unanimous in their recommendations, and it is probable that their Report—the value and importance of which has been generally recognised—will soon form the basis of legislation.

The care and control of the defective classes, necessary as it is, cannot strike at the root of the matter. It is not proposed, and it would not be practicable, to shut off from social contact the whole of the vast body of the feeble-minded, and so long as they are not so shut off they are free to reproduce their own kind. At this point we encounter the new science of eugenics, which, growing out of the fruitful investigation and research of Sir Francis Galton, has during recent years been recognised as a factor in actual social life. It is not enough to deal with the actual living generation as we find it; if our social growth is to be real we must learn to control future generations. We must know what are those stocks that are unlikely to produce the worthy citizen of the future; we must know what are those stocks which

deserve to be encouraged in breeding fine men and women; we must endeavour to educate the public conscience to feel and act in accordance with the knowledge thus attained. This last task, so far as our knowledge at present extends, is being attempted in England by the Eugenics Education Society, founded in 1908, under the Presidency of Sir Francis Galton; the Society publishes the *Eugenics Review*.

Those who uphold the ideals of eugenics are bound to proclaim the duty of all who are probably unfit to become the parents of a fine race to abstain from procreation, and, in effect, "make themselves eunuchs for the Kingdom of God's sake." It is not, however, necessarily a part of the eugenist's duty to insist on the sterilisation of the unfit by actual operation, whether voluntary or compulsory. Personally I have in the past been definitely opposed to castration for this end. I am, indeed, still opposed to actual castration, especially if compulsory; there are serious objections to it. But sterilisation coming short of actual castration can now easily be performed in either sex; influential opinion in its favour is growing in many countries, and the ease and success with which it has been introduced in Switzerland, with the consent of the law, the municipal authorities, and the patients themselves, calls, I now think, for our very serious consideration.

It will be seen that the narrow and technical questions of criminal anthropology are rightly becoming subordinated to larger social questions. In an Introduction to Alexander Winter's *Study of the Elmira Reformatory*, published nearly twenty years ago in the Social Science Series, I pointed out that we needed to unite the current of purely scientific

criminological investigation, chiefly carried on in Europe, with the current of practical experiment, mainly developed in America. Starting from this idea, Mr. Maurice Parmelee, in his valuable work on Criminal Procedure—neglecting the many penological questions to which an exaggerated and disproportionate attention has always been devoted in England and the United States—has discussed the influences which criminal anthropology and sociology are tending to exert on the process of dealing with criminals at the hands of the police, the magistrates and the jury. It is, however, in Germany, and notably as represented by Dr. Hans Gross, that this line of advance is most potently active. Dr. Gross, though he has no special concern with the medical or anatomical aspects of criminal anthropology, recognised the immense service performed by Lombroso and his disciples in revealing the tendency to physical and psychic abnormality among criminals, and the need of individualisation in their care and treatment. Gross's first important work was thus devoted to criminal psychology,—for, as Dr. J. F. Sutherland remarks, "every penal reformer is nowadays more or less of a psychologist,"—and his great work *System der Kriminalistik*—of which there is a modified English edition, more especially for use in India, under the title of *Criminal Investigation*—is devoted to an allied subject. As Gross views the matter, criminalistic science is allied with criminal psychology to constitute criminal phenomenology, which is co-ordinate with criminal anthropology and criminal sociology, these studies being the three branches of criminology. Criminalistic science deals with "how the crime happened, how it is to be investigated and

made clear, what motives were in question, and what aims were intended." It is thus a study which concerns alike the medical, the legal, and the police student of crime. It seeks to remove the proofs of criminality from the sphere of hearsay, of mere verbal evidence, and to substitute the more reliable evidence of facts. It is connected with the extensive literature which is growing up concerning the nature and fallacies of verbal evidence, and the influences which effect the credibility of witnesses. In Germany an *Enzyklopädie der Modernen Kriminalistik* is now being issued by Dr. Paul Langenscheidt, the first work published in it being Dr. Erich Wulffen's *Psychologie des Verbrechers*, a comprehensive and impartial handbook by a lawyer who fully recognises the importance of the medical and anthropological aspects of his subject. Valuable works on criminality have also been published in Germany by writers who approached the subject from the side of medical psychology, like Drs. Aschaffenburg and Sommer; and in England by Dr. J. F. Sutherland in his *Recidivism*, etc. (1908). In America, Professor Hugo Münsterberg, approaching the subject from the standpoint of the experimental psychologist, in his book on crime and responsibility makes a contribution in the spirit of Gross to criminalistic science by showing how evidence may be tested and checked. All these writers concur in addressing alike the legal, the medical, and the educated lay reader.

These are some of the ways in which criminological science is now expanding. For the most part they transcend the scope of the present book; but it may be said that if they were not all actually initiated by, they have at all events become intimately allied with,

the movement of criminal anthropology which is now taking its duly co-ordinated place. For a time, under the influence of the eager and vivid personality of Lombroso, criminal anthropology acquired an exaggerated importance; with Lombroso's death the polemics he aroused subside, and it becomes possible, even for his opponents, to recognise the fruitful and permanent elements in his activity. To-day, more than ever, criminological progress demands the intimate co-operation of the doctor and the lawyer, the psychologist and the sociologist, the police official and the prison official, as well, it may be added, as the support of an enlightened public opinion.

In this new edition of my book the body of the work remains unchanged. All the additions, with indication of the page to which they refer, have been thrown together in a final appendix, and may thus easily be found. No corrections have been made of various minor statements in the text which now need slight modifications; for the most part these modifications will be fairly obvious.

HAVELOCK ELLIS.

1910.

PREFACE TO THE THIRD EDITION.

IT is now ten years since I wrote this little book, and I am gratified to find that it has had a circulation, both in English and in translations, which I was far from anticipating when I undertook, with some hesitation, to summarise the results and tendencies of a study at that time scarcely even known by name in this country. When I look back I am astonished at the temerity with which I undertook so difficult a task with so slender an equipment of knowledge at first hand, and I am scarcely less surprised to find that notwithstanding the prolific researches and discoveries of recent years there is very little to change in the main propositions which I somewhat tentatively set forth; while many of the practical reforms which I advocated have already been accomplished, and others brought within reach of realisation.

It has been the good fortune, and to some extent the bad fortune, of criminal anthropology that its chief protagonist before the world has been a man whose personal energy, extraordinary wealth of ideas, and marvellous power of opening out new lines of research, at one time led a branch of science to be unduly identified with a personality. There is no "school" of criminal anthropology, as some have

vainly imagined. Even among the immediate friends and pupils of Lombroso there are wide divergencies of attitude and tendency, and many of the workers who have imagined that they were overthrowing Lombroso were simply helping to build up more firmly that edifice of knowledge concerning criminals which, as Lombroso is the first to declare, alone really matters. There are always critics who can see nothing but the weaknesses of leaders whose inspiration makes the progress of a new science possible; such critics would sneer at Columbus because he thought he had discovered India. If Lombroso has been the Columbus who led the way to a fresh scientific region, let us be grateful; we may take it for granted, without more ado, that any petty surveyor who follows him can more accurately map out the land than its discoverer could.

When I first wrote this book I endeavoured to give a fairly complete summary in a brief space of the whole subject as it then stood. That is no longer possible without re-writing the whole work and enlarging it beyond recognition. As it is, however, the volume has been very greatly changed and enlarged, the first and last chapters alone remaining but slightly modified. Over one hundred pages of new matter have been added, and many new illustrations, while at the same time I have omitted much material that is now out of date. As may be supposed, Chapters III. and IV., which constitute the kernel of the book, have grown most largely. In Chapter II., while I have more fully developed the early history of criminal anthropology, I have now made no attempt to deal with its present position in the various countries of the world. Ten years ago it was very

difficult, now it may be said to be practically impossible, for one man to cope with the vast amount of literature on criminal anthropology which is appearing in all parts of the world, and to speak of a few of those who have done meritorious work would be unjust to others whose work is doubtless no less meritorious. I may, however, mention certain recent contributions to criminal anthropology which stand out with special prominence. The first place may probably be given to Professor Ferri's great monograph, *L'Omicidio nell' Antropologia Criminale*, an exhaustive work on homicide under all its aspects, the outcome of many years of labour and observation; Lombroso has published the third and concluding volume of his famous work on criminal man, *L'Uomo Delinquente*, and, in conjunction with Ferrero, a deeply interesting though often debatable study of criminal woman, *La Donna Delinquente, la Prostituta e la Donna Normale* (1893), while, it may be noted, Lombroso also dealt with "Criminal Anthropology" in *Twentieth Century Practice of Medicine*, vol. xii. (1897); Marro, who completes the trio of great Italian criminal anthropologists, has published no new work bearing mainly on criminals, but his elaborate study of puberty and adolescence, *La Pubertà* (1898), has many points of contact with criminal anthropology and is throughout inspired by its methods. In Germany, the work of an experienced prison surgeon, Von Baer's *Der Verbrecher in Anthropologische Beziehung* (1893), has attracted much attention; it contains valuable contributions to the study of the criminal, but is vitiated by a tediously profuse polemical manner and lack of critical discernment; the labours of the indefatigable

Näcke have done much for the anthropometrical aspects of psychology, and Kurella's *Naturgeschichte des Verbrechers* (1893) is an admirably lucid and concise summary of the data of criminal anthropology. In Germany, it may be added, the influence of criminal anthropology has by no means been confined to the study of criminals, and such fruitful and important investigations as those undertaken by Schwalbe, the distinguished head of the Strassburg school of anatomical anthropologists, have been directly inspired by criminal anthropology; indeed, though Germany is leading the way in these new developments, the same tendency is being felt everywhere; the growing precision of our knowledge concerning criminals is enabling us to recognise how imperfect is our knowledge of other groups of normal and abnormal persons, and is so leading us to obtain that knowledge without which even the data of criminal anthropology cannot safely be interpreted. In France, Laurent's highly interesting book, *Les Habitués des Prisons* (1890), shows how much valuable material may be collected by an intelligent clinical observer who spends a few years in attending a prison in the same open-eyed way as he would attend a hospital; a book of very different character, Perrier's *Les Criminels* (1900), consisting almost entirely of original facts and measurements, shows what can be done by a painstaking prison surgeon who methodically records the data beneath his eyes. In Spain, the series of books now being published by Rafael Salillas forms the most valuable contribution yet made to our knowledge of the Spanish criminal; so far they are mainly psychological. In the United States, the *Year-Books* of the New York State

Reformatory at Elmira still constitute a valuable treasury of detailed facts concerning the nature, hygiene, and treatment of criminals; Dr. Arthur MacDonald, of Washington, among other works, has in his *Criminel-Type dans Quelques Formes Graves de la Criminalité* (1894) published a minute study of individual cases of juvenile criminality; while Dr. Eugene Talbot, of Chicago, in his *Etiology of Osseous Deformities of the Head, etc.* (1894), and in numerous subsequent studies, has described the "stigmata of degeneration" among American criminals. In Great Britain, the growth of a new interest in these subjects has been shown not only by the Report of the Departmental Committee on Prisons, but by the establishment of the Criminology Series, edited by Mr. Douglas Morrison, who has himself dealt with criminality, more especially from the sociological standpoint, in numerous books. At the same time it must be acknowledged that Great Britain, notwithstanding the interest beginning to be shown in this matter by a few workers, still stands behind other leading countries in the quality and quantity of scientific work dealing with criminals. It is also the only European country of any standing which yet possesses no journal devoted mainly to the interests of criminal anthropology. Strange as it may seem, moreover, even one or two of the early pioneers of the study of the criminal in this country have now committed themselves to a comprehensive criticism of such studies. I do not think it necessary to deal with those criticisms, for any one who has carefully read the present little volume can sufficiently answer them by himself. The critic whose objections are embodied in a patient and careful contribution of new

facts will always command attention, and will aid in scientific progress; the critic who regards the study of criminals as neither more nor less than the art of recognising crime on the countenance can scarcely now expect to arouse more than a smile. The day when criminal anthropology needed to justify itself has gone by, and it may well be hoped that this is the last occasion on which it will be necessary to point out that Great Britain has fallen short in furnishing her quota to the scientific study of this problem.

Although the present edition of this book has been enlarged and re-written to so considerable an extent, I have made no attempt to elucidate every new point which has recently been brought before the criminal anthropologist, nor have I even drawn largely on my own "retrospects" of criminal anthropology contributed to the *Journal of Mental Science* during the past ten years. I have found it the less necessary to attempt any exhaustive summaries since the general conclusions set forth in my book seem to be unimpaired by recent research. The great question which the criminal anthropologist has to answer is this: What is a criminal? Is he—according to the old legal assumption on which our criminal law is still mainly built up—a normal person who has wilfully committed an abnormal act? Is he the victim of acquired disease, such as some form of epilepsy? Is he an atavistic reappearance of the savage in modern society? Is he a "degenerate"? What is the "criminal type"? In this book I attempted to answer these questions with all the caution demanded by the existence of conflicting views and the imperfection of our knowledge. I especially sought to emphasise the

evidence, which more and more impressed itself on me, tending to show a real relationship (not identity) between a very large and characteristic group of criminals and those congenitally abnormal groups which we term imbecile and feeble-minded. Time and further examination of the facts have only served to deepen my conviction as to the real nature of that relationship. The criminal, it seems to me, in some of his most characteristic manifestations, is a congenitally weak-minded person whose abnormality, while by no means leaving the mental aptitudes absolutely unimpaired, chiefly affects the feelings and volition, so influencing conduct and rendering him an anti-social element in society. We may easily see how such a conception is related to the various views, usually too absolutely and dogmatically stated, generally current concerning criminals. The criminal is, in a majority of cases, certainly not insane, but neither is he normal, and while not wholly insensitive to the motives which influence the normal man, he is not affected by them in the same way or in the same degree as the normal man. The view that the criminal is an epileptic has never been widely accepted, and as it only becomes tenable when we give an extremely wide extension to the term epilepsy, it is too arbitrary a definition to be of much use. That the criminal often acts like a savage who has wandered into a foreign environment—it is scarcely necessary to remark that a savage in his own proper environment is not an anti-social being—is true. But we must be cautious in arguing that this necessarily means a real atavistic revival of savage ancestral traits. The criminal acts like the savage, for the most part, merely because a simple and incomplete creature must

inevitably tend to adopt those simple and incomplete modes of life which are natural to the savage. It is not a real atavism, but mainly, it is probable, only a pseudo-atavism. That the criminal is often a "degenerate" might readily be granted were it not that "degeneracy" has become so vague and meaningless a term of popular use that it means little or nothing; Lombroso and others were undoubtedly well inspired when they sought to give greater definitiveness to the conception of the criminal by dividing the vague "degenerate" class into groups and seeking to discover criminal types. That we cannot use the term "type" in this connection with the same precision that we use it in racial anthropology is now generally accepted.

If we recognise that the average criminal, whatever injustice he may have suffered at the hand of society, is at the same time often a more or less congenitally abnormal person, endowed with an ill-adjusted organism which fails to respond to the same social stimuli as the organisms by which it is surrounded, we ought to have little difficulty in discovering the proper method of dealing with criminals. If we have any such difficulty, our minds may be assisted by the recent investigations which have been made by Steinmetz and other scholars into the origin of the conception of punishment—investigations which seem to me to constitute the most interesting recent contribution to the study of criminology. These investigators, by revealing the true nature of the idea of punishment, have utterly destroyed it as a practical tool for dealing with criminals in a civilised state. The conception of punishment is shown to belong to an archaic group of animistic and other ideas which have long died out,

and those who argue in favour of its preservation not only show themselves blind to its practical futility—which has often been demonstrated—but also show that they are unable to discern even the elements of a scientific criminology. True it is, certainly, that to the primitive mind of the criminal himself, the primitive idea of punishment—squaring his account and giving him a licence to return to crime again—often seems reasonable; but it is unnecessary for the criminologist to reduce himself to the criminal's mental level by accepting a notion which, by untowardly surviving the circle of conceptions to which it rightly belongs, has led to such mischievous results. In dealing with the criminal it is useless to approach him with the antiquated blunderbuss of punishment; we must apply to him the most carefully adjusted and various measures to render him so far as possible a person who responds socially to the influences which rule in a civilised society. To do that we need to possess full knowledge of the individual criminal, we need highly and specially trained persons to entrust him to, and we need the absolute abolition of the fixed term of imprisonment, an absolutely indeterminate sentence. It is unreasonable—unjust alike to society and to the criminal—to let loose an anti-social person on society unless we have made it probable that he will no longer be a source of misery to individuals and rottenness to the community. The antiquated traditions concerning "responsibility" which rule in our law courts make it necessary to waste an extraordinary amount of time and energy, and to pile up many metaphysical absurdities, in deciding whether a criminal is or is not "responsible"; —a state of things long since satirised by the brilliant

author of *Erewhon*. It is really all very unnecessary. "Responsible" or "irresponsible," sane or insane, it is still necessary, alike in the interests of society and of the criminal himself, that the criminal should be brought into a condition in which he will no longer be injurious to society, or, failing that, be secluded from society. Doubtless it must remain the primary business of law to ascertain the facts of the crime. But it must become the business of science to deal with the criminal. We used to chain our lunatics. Our lunatic asylums during the past century have become mental hospitals. Our prisons must now really become what it was long ago said they ought to be, moral hospitals.

In preparing this new edition of my book I am indebted to many friends and correspondents in various parts of the world for much new material. I cannot here record all my obligations. Bragg's *Confessions of a Thief*, Part I., which I owe to the kindness of Mr. Ardill of Sydney, New South Wales (who has also, at my request, had the author of it photographed), is a document of great psychological interest, and virtually new, since though it was printed in Sydney, all my efforts, with the help of several residents in that city, to obtain Parts II. and III. have hitherto been fruitless; I shall be greatly obliged to any one who will enable me to see the missing Parts. To Mr. Marshall Lyle, of Melbourne, I owe a valuable series of photographs of Australian criminals (belonging, however, not to Victoria but New South Wales), as well as much other material which I have not always been able to use. To Dr. Hamilton Wey, the physician of the New York State Reformatory, I also owe many excellent photographs of

criminals at Elmira. I am also indebted for information, references, and other assistance tending to make this edition of my book more accurate and more complete, to Dr. Kurella, Dr. Näcke, M. Alphonse Bertillon, Dr. Eugene Talbot, Dr. Edwin Goodall, Sir F. Pollock, and the late Frederick Hill. Other sources of indebtedness are mentioned in the text.

HAVELOCK ELLIS.

Carbis Water,
Lelant, Cornwall,
November 1900.

PREFACE TO THE FIRST EDITION.

THIS little book is an attempt to present to the English reader a critical summary of the results of the science now commonly called criminal anthropology. In other words, it deals briefly with the problems connected with the criminal as he is in himself and as he becomes in contact with society; it also tries to indicate some of the practical social bearings of such studies.

During the last fifteen years these studies have been carried on with great activity. It seemed, therefore, that the time had come for a short and comprehensive review of their present condition. Such a review of a young and rapidly growing science cannot be expected to reveal any final conclusions; yet by bringing together very various material from many lands, it serves to show us how we stand, to indicate the progress already made, and the nature of the path ahead. In these matters we in England have of recent years fallen far behind; no book, scarcely a solitary magazine article, dealing with this matter has appeared among us. It seemed worth while to arouse interest in problems which are of personal concern to every citizen, problems which

are indeed the concern of every person who cares about the reasonable organisation of social life.

I would willingly have given the task to abler hands. But I found no one in England who was acquainted with the present aspects of these questions, and was compelled, therefore, after considerable hesitation, to undertake a task which had long appealed to me from various sides, medical, anthropological, and social.

There is, I believe, nothing original in this book. It simply represents a very large body of intelligent opinion in many countries. I have to acknowledge with gratitude the assistance, always ungrudgingly rendered, which I have received from very many directions. I would specially mention those medical officers of prisons in Great Britain who answered my Questions issued at the beginning of 1889, Dr. Hamilton Wey of the Elmira Reformatory, Dr. Vans Clark, formerly Governor of Woking Prison, Professor Lombroso of Turin, Dr. Antonio Marro, the Rev. J. W. Horsley, Dr. Langdon Down, Dr. Hack Tuke, Dr. Francis Warner, etc. It would, however, be impossible to enumerate all those to whom I am indebted. In such a task as this the writer himself has the smallest part; the chief shares belong to an innumerable company of workers, known and unknown.

H. E.

March 1890.

15471

THE CRIMINAL.

CHAPTER I.

INTRODUCTION.

OF criminals, actual or nominal, there are many kinds. It is necessary, first of all, to enumerate the chief varieties.

There is the *political criminal*. By this term is meant the victim of an attempt by a more or less despotic Government to preserve its own stability. The word "criminal" in this expression is usually a euphemism to express the suppression of a small minority by the majority. The aims of the "political criminal" may be anti-social, and in that case he is simply an ordinary criminal, but he is not necessarily guilty of any anti-social offence; he simply tries to overturn a certain political order which may itself be anti-social. Consequently the "political criminal" of our time or place may be the hero, martyr, saint, of another land or age. The political criminal is, as Lombroso calls him, "the true precursor of the progressive movement of humanity;" or, as Benedikt calls him, the *homo nobilis* of whom the highest type is Christ. From any scientific point of view the use of the word crime,

to express a difference of national feeling or of political opinion, is an abuse of language. Such a conception may be necessary to ensure the supremacy of a Government, just as the conception of heresy is necessary to ensure the supremacy of a Church; the prison for political dissentients corresponds to the stake for religious dissentients. A criminality which is regulated partly by chronology, partly by longitude, does not easily admit of scientific discussion.

We have, again, the *criminal by passion.* He is usually a man of wholesome birth and of honest life, possessed of keen, even exaggerated sensibilities, who, under the stress of some great, unmerited wrong, has wrought justice for himself. Stung to sudden madness by some gross insult to his wife or wrong to his daughter, he makes an attempt on the life of the offender. The criminal by passion never becomes a recidivist; it is the social, not the anti-social, instincts that are strong within him; his crime is a solitary event in his life. Therefore he cannot figure as a serious danger to society; in some respects he serves even to quicken the social conscience and to check anti-social instincts. At the same time it is not to the advantage of society that a private individual should in a moment of passion even wreak justice; and the criminal by passion cannot complain that he in his turn becomes the victim of a social reaction.

We have also the *insane criminal;* that is to say, the person who, being already in a condition of recognisable mental alienation, performs some flagrantly anti-social act. A very large number of crimes are committed by persons who are impelled by delusions,

or who have, before the commission of the crime, been in a condition of mental alienation. Nearly a hundred persons every year in this country are sent to prison to be found insane on admission. The hanging of persons who are afterwards generally regarded as insane has been, and is still, frequently carried on. In Germany Dr. Richter has shown that out of 144 lunatics who were, as was afterwards shown, at the date of their crimes in the highest degree insane, only 38 were recognised as insane before the judge—*i.e.*, 106 madmen were, on account of their madness, condemned to severe punishment. Out of 100 insane persons brought to the bar of justice only 26 to 28 are recognised as insane.[1] The insane criminal is clearly in a category of his own. He is only a criminal in the same sense as an infant or an animal who performs some noxious act. The lunatic may be influenced by the same motives that influence the sane person, but he is at the same time impelled by other motives peculiar to himself, and to which we may have no means of access. To bring all the solemn formalities of law to bear against a madman, and to condemn him to severe punishment, is in a civilised country unreasonable.

The political criminal may usually be recognised without difficulty when we lay aside political prejudice; the criminal by passion can be recognised at once when we know his history. There is not usually much difficulty in ascertaining the insanity of the criminal who is insane in the strict and perhaps the only legitimate sense of the word—*i.e.*, intellectually

[1] Sander and Richter, *Die Beziehungen zwischen Geistesstörung und Verbrechen*. See also Lombroso, *L'Uomo Delinquente*, vol. ii., part 3, ch. 1, for many facts and figures concerning criminal insanity.

insane. But at this point we are no longer able to proceed with quite the same clearness and certainty. We are approaching the criminal in the proper sense, the criminal with whom we shall be chiefly concerned.

The uncertainty on this borderland may be illustrated by the following case. W. T. is a boy of fifteen, a very small ugly-looking lad, with a small head, low in the forehead, larger in the back, high narrow palate, heavy sullen aspect, and slight external squint of left eye. His father and mother are healthy and sober people; one of the father's uncles died in an asylum, and one of his aunts committed suicide. The boy had convulsions at the age of eighteen months, and was very backward in walking and speaking; at the age of twelve he could not dress himself. At school he was very dull, apt to strike his companions if roused, solitary, fond of reading, but not remembering what he had read. His schoolmaster, an experienced teacher, had never known so peculiar a boy. But he was not a bad or untruthful lad, and had no vices. When he left school his father tried to teach him his own trade of shoemaking; but, though he had no special distaste for the work, he could not learn even the most elementary part of the trade. Other boys made fun of him, and he complained of his little sister, ten years of age, doing the same. One day, when he had been left quietly sitting alone with this sister, he took up his father's hammer, which was at his feet, and struck her, smashing in her skull. Then he locked the back door, as he always did on leaving home, and went out, closing the front door after him. He returned in an hour, wet from the rain which had begun to fall. He was taken to prison,

and from the first displayed no emotion; he ate and slept well, and was a good, docile boy. The judge who tried him (Lord Coleridge) was evidently in favour of a verdict of manslaughter. The jury fell in with this suggestion, although the authority of Dr. Savage was in favour of insanity, and the boy was condemned to ten years' penal servitude.[1] Such a case shows very well the inaccuracy of our hard and fast lines of demarcation. Here was a person clearly of abnormal or degenerate character, and liable to sudden violent impulses; he would nowhere be popularly recognised as insane, and possibly it is not desirable that he should be so recognised. On the other hand, he cannot correctly be termed an instinctive criminal; he is on the borderland between the two groups, and a touch may send him in either direction.

Let us take another illustration. Miss B., nineteen years of age, the daughter of a captain in the army, is described as a tall robust-looking girl of lively temperament. When a few months old she had an attack of meningitis. As a child she was always wilful and troublesome. When she was eighteen years old she developed new instincts of mischief. She would sometimes take off her clothes, stuff them up the chimney, and set fire to them. When the servants rushed in she would be sitting on the hearth clapping her hands: "What a fine blaze!" She had frequently destroyed furniture, clothing, and books; she liked to cut carefully the strings binding a book, so that it would fall to pieces in the hands of the unsuspecting person who took it up. She drenched a baby, and frequently her own room, with water,

[1] *Journal of Mental Science*, October 1889. This case may be said to illustrate the basis of imbecility common in criminals.

without any reason. She once attempted to throttle the attendant in whose care she was put. She was backward for her age, though her education had not been neglected; she could not keep accounts, and was fond of reading children's books. There was a history of bad sexual habits, and she had a propensity to fall in love with every man she saw. She was perfectly coherent and rational, and accused others of doing the mischievous acts attributed to her. After being sent to a clergyman's house for some months she eventually recovered.[1] Here there was, strictly speaking, no insanity; there were vicious and criminal instincts which would no doubt have developed had the girl been sent to prison instead of to a comfortable home, and there was (as there very frequently is among instinctive criminals) a history of brain mischief. How shall we classify her?

Let us take another example — this time from France—in which the pathological element does not clearly appear. A gentleman named X., the French paper informs us, has been passing the summer at his country house with his daughter, aged twenty-two, and his son, aged twenty. From the moment of his arrival devastations occurred everywhere on his property. The shrubs were cut; garden plants and large branches of the birch trees removed; the doors and walls of the house were soiled. The grounds and dwellings of other persons in the neighbourhood were similarly treated. Windows were broken; the emblems of religion were outrageously insulted; the walls and doors of the church, the priest's house, and even the altar, were soiled with ordure. A drawing of the priest administering the sacrament to a cow was

[1] Dr. H. Sutherland, *West Riding Asylum Reports*, vol. vi.

found on the walls, and obscene letters, containing also menaces of death and incendiarism, were received by M. X., the priest, and others. Terror overspread the parish, and no one dared to go out by night. At last M. X.'s son and daughter were discovered in the act. Alexis, the least guilty, having been drawn on by his sister, confessed his part in what had been done; he was the accomplice and confidant of his sister. She denied everything, even that she had aided her brother. There was no motive for these acts, save the pleasure of spreading terror through the country; they had had no intention of accomplishing their threats. The girl carried her impudence and imprudence so far as to send an insulting letter to the magistrate who was investigating her misdeeds, and to break windows, unperceived, in his presence.[1] This is an example of moral perversity, showing itself in malevolent and unsocial acts. Possibly, if we possessed a scientific history of the case, we might find a pathological element in it, but as it stands it is but an extravagant example of anti-social instincts, on the borderland of crime, which in a minor degree are far from uncommon.

I will now give, in some detail, the history of a more decisive and significant example of this same moral insensibility. It is in a child, and I take it from German records. Marie Schneider, a school-girl, twelve years of age, was brought before the Berlin Criminal Court in 1886. She was well developed for her age, of ordinary facial expression, not pretty, nor yet ugly. Her head was round, the forehead receding slightly, the nose rather small, the eyes brown and lively, the smooth, rather fair hair combed back.

[1] Quoted by Despine, *Psychologie Naturelle*.

With an intellectual clearness and precision very remarkable for her age, she answered all the searching questions put by the President of the Court without hesitation or shrinking. There was not the slightest trace of any inner emotion or deep excitement. She spoke in the same quiet equable tone in which a school-girl speaks to her teacher or repeats her lesson. And when the questions put to her became of so serious a character that the judge himself involuntarily altered his voice and tone, the little girl still remained self-possessed, lucid, childlike. She was by no means bold, but she knew that she had to answer as when her teacher spoke to her, and what she said bore the impress of perfect truth, and agreed at every point with the evidence already placed before the court. Her statement was substantially as follows:—"My name is Marie Schneider. I was born on the 1st of May 1874, in Berlin. My father died long ago, I do not know when; I never knew him. My mother is still living; she is a machinist. I also have a younger brother. I lost a sister a year ago. I did not much like her, because she was better than I, and my mother treated her better. My mother has several times whipped me for naughtiness, and it is right that I should take away the stick with which she beat me, and to beat her. I have gone to school since I was six years old. I have been in the third class for two years. I stayed there from idleness. I have been taught reading, writing, arithmetic, geography, and history, and also religion. I know the ten commandments. I know the sixth: it is, 'Thou shalt not kill.' I have some playfellows at school and in the neighbourhood, and I am often with a young lady [believed to be of immoral life] who is twenty years old and

lives in the same house. She has told me about her childhood, and that she was just as naughty as I am, and that she struck the teacher who was going to punish her. Some time ago, in playing in the yard, I came behind a child, held his eyes, and asked him who I was. I pressed my thumbs deep in his eyes, so that he cried out and had inflamed eyes. I knew that I hurt him, and, in spite of his crying, I did not let go until I was made to. It did not give me special pleasure, but I have not felt sorry. When I was a little child I have stuck forks in the eyes of rabbits, and afterwards slit open the belly. At least so my mother has often said; I do not remember it. I know that Conrad murdered his wife and children, and that his head was cut off. I have heard my aunt read the newspapers. I am very fond of sweets, and have several times tried to get money to buy myself sweets. I told people the money was for some one else who had no small change. I know that that was deceit. I know too what theft is. Any one who kills is a murderer, and I am a murderess. Murder is punished with death; the murderer is executed; his head is cut off. My head will not be cut off, because I am still too young. On the 7th of July my mother sent me on an errand. Then I met little Margarete Dietrich, who was three and a half years old, and whom I had known since March. I said to her that she must come with me, and I took her hand. I wanted to take away her ear-rings. They were little gold ear-rings with a coloured stone. I did not want the ear-rings for myself, but to sell at a second-hand shop in the neighbourhood, to get money to buy some cakes. When I reached the yard I wanted to go somewhere, and I called to my

mother to throw me down the key. She did so, and threw me down some money too, for the errand that I was to go on. I left little Margarete on the stairs, and there I found her again. From the yard I saw that the second-floor window was half open. I went with her up the stairs to the second floor to take away the ear-rings, and then to throw her out of the window. I wanted to kill her, because I was afraid that she would betray me. She could not talk very well, but she could point to me; and if it came out, my mother would have beaten me. I went with her to the window, opened it wide, and set her on the ledge. Then I heard some one coming down. I quickly put the child on the ground and shut the window. The man went by without noticing us. Then I opened the window and put the child on the ledge, with her feet hanging out, and her face turned away from me. I did that because I did not want to look in her face, and because I could push her easier. I pulled the ear-rings out. Grete began to cry because I hurt her. When I threatened to throw her out of the window she became quiet. I took the ear-rings and put them in my pocket. Then I gave the child a shove, and heard her strike the lamp and then the pavement. Then I quickly ran downstairs to go on the errand my mother had sent me. I knew that I should kill the child. I did not reflect that little Grete's parents would be sorry. It did not hurt me; I was not sorry; I was not sorry all the time I was in prison; I am not sorry now. The next day a policeman came to us and asked if I had thrown the child out of the window. I said no, I knew nothing about it. Then I threw away the ear-rings that I had kept hid; I was afraid they would search my pockets and find

them. Then there came another policeman, and I told him the truth, because he said he would box my ears if I did not tell the truth. Then I was taken away, and had to tell people how it happened. I was taken in a cab to the mortuary. I ate a piece of bread they gave me with a good appetite. I saw little Grete's body, undressed, on a bed. I did not feel any pain and was not sorry. They put me with four women, and I told them the story. I laughed while I was telling it because they asked me such curious questions. I wrote to my mother from prison, and asked her to send me some money to buy some dripping, for we had dry bread." That was what little Marie Schneider told the judge, without either hesitation or impudence, in a completely childlike manner, like a school-girl at examination; and she seemed to find a certain satisfaction in being able to answer long questions so nicely. Only once her eyes gleamed, and that was when she told how in the prison they had given her dry bread to eat. The medical officer of the prison, who had watched her carefully, declared that he could find nothing intellectually wrong in her. She was intelligent beyond her years, but had no sense of what she had done, and was morally an idiot. And this was the opinion of the other medical men who were called to examine her. The Court, bearing in mind that she was perfectly able to understand the nature of the action she had committed, condemned Marie Schneider to imprisonment for eight years. The question of heredity was not raised. Nothing is known of the father except that he is dead.[1]

[1] *Friedreich's Blätter für gericht. Med.*, vol. 38, 1887, p. 266.

Marie Schneider differs from the previous cases, not merely by her apparent freedom from pathological elements, but by her rational motives and her intelligence. The young French woman intended nothing very serious by her brutal and unfeeling practical jokes. Marie Schneider was as thorough and as relentless in the satisfaction of her personal desires as the Marquise de Brinvilliers. But she was a child, and she would very generally be described as an example of "moral insanity." It is still necessary to take a further step, although a very slight one, to reach what every one would be willing to accept as an instinctive criminal. The example I will select is an Englishman, Thomas Wainewright, well known in his time as an essayist, much better known as a forger and a murderer. R. Griffiths, LL.D., Wainewright's maternal grandfather—to take his history as far back as possible — was an energetic literary man and journalist, whose daughter, Ann, born of a young second wife when he was well past middle life, "is supposed to have understood the writings of Mr. Locke as well as perhaps any person of either sex now living" (said the *Gentleman's Magazine*), and who married one Thomas Wainewright, and died in child-bed at the age of twenty-one, the last survivor, even at that age, of the second family. Thomas Wainewright, the father, himself died very soon afterwards. Of him nothing is known, though there is some reason to think that Dr. Griffiths regarded him with dislike or suspicion.

The child seems then to have been born of a failing and degenerating stock. He was clever, possessed of some means, and grew up in a literary and artistic circle; but he was vain and unstable, "ever to be

wiled away," as he says himself, "by new and flashy gauds." When still a lad, he went into the army for a time. Then, after a while, being idle in town, "my blessed Art touched her renegade; by her pure and high influences the noisome mists were purged," and he wept tears of happiness and gratitude over Wordsworth's poems. "But this serene state was broken," he wrote, several years before his career of crime had commenced, "like a vessel of clay, by acute disease, succeeded by a relaxation of the muscles and nerves, which depressed me

> —'low
> As through the abysses of a joyless heart
> The heaviest plummet of despair could go,'—

hypochondriasis! ever shuddering on the horrible abyss of mere insanity! But two excellent secondary agents—a kind and skilful physician, and a most delicately affectionate and unwearied (though young and fragile) nurse—brought me at length out of those dead black waters, nearly exhausted with so sore a struggle. Steady pursuit was debarred me, and varied amusement deemed essential to my complete revivification." Then he began to write his essays and criticisms, dealing chiefly with the later Italian and the French artists, under the name of Janus Weathercock. He was a man of many sentimentalities and super-refinements; he hated all vulgarity and "sordid instincts." His tastes were sensual in every respect. Notwithstanding his means, they were not sufficient to satisfy his desires for luxurious foods and drinks, for fine perfumes, for large jewels to wear. He could not live without luxuries, just as little Marie Schneider could not live without sweets. At about the date that his chief

literary activities ceased, and when he was about thirty years of age, he forged a power of attorney with the names of his trustees, assigning to himself the principal of £5000, of which he was enjoying the interest. This was then a capital offence; it remained undetected for twelve years. He is described at this time as "a smart, lively, clever, heartless, voluptuous coxcomb." He was tall, stooping slightly, of dark hair and complexion, deeply set eyes, stealthy but fascinating, a large and massive head. He married a young lady who was poor, but a gay and brilliant person, and she had a widowed mother and two half-sisters. The young couple lived improvidently, and an uncle, Mr. G. E. Griffiths, who was well off, offered them a home in his own house. This welcome offer was accepted. A year after, Mr. G. E. Griffiths, after a short illness, died very unexpectedly, leaving his mansion and property to his nephew and niece. This money, however, also went rather fast; and now too there were no longer any expectations from relatives. The stepmother and her daughters, the Abercrombies, were poor, and their schemes to make a living were not successful. The Abercrombies were obliged to come and live with the Wainewrights in the large mansion they had inherited, and a very few months after this Mrs. Abercrombie died, like old Mr. Griffiths, very suddenly, in a fit of convulsions. No benefits, however, followed this death; affairs continued to grow worse, and soon the bailiffs were in the house, and there was a bill of sale on the furniture. The Wainewrights and Abercrombies migrated to handsome lodgings in Conduit Street, near Regent Street. They frequently went to the play, and one night, very soon after their arrival, Helen Abercrombie, who wore

the thin shoes that women then always wore, got her feet wet, became ill, and was assiduously attended by Wainewright and his wife, who held frequent consultations as to her treatment by means of certain powders; in a few days she was dead, with the same symptoms as her mother, the same symptoms as Mr. Griffiths—"brain mischief," the doctor called it. She died on the very day on which the bill of sale became due, and after her death it was found that her life had, during the same year, been insured, in various offices, for £18,000. Helen Abercrombie was a beautiful and very healthy girl, and her death led to suspicions, and gave rise to law-suits, which on the slighter but definite ground of misrepresentation were in favour of the companies. In the meanwhile Wainewright found it convenient to leave England (he had separated from his wife after the death of Helen Abercrombie), and took refuge with a rather impecunious gentleman who lived with his daughter at Boulogne. He persuaded this gentleman to obtain money to effect a loan by insuring his life. One night, after the policy had been effected, this gentleman suddenly died. We next hear of Wainewright travelling in France, doubtless for excellent reasons, under an assumed name. He fell into the hands of the police, and not being able to give a good account of himself, was imprisoned for six months. The French police found that he carried about with him a certain powder, at that time little known, called strychnine; this was put down to English eccentricity. At this time there was a warrant out against Wainewright for forgery; he was lured over to England by a detective, with the aid of a woman, and arrested. He was tried for forgery, and condemned to transport-

ation for life. At the same time the suspicions of the doctor who attended Helen Abercrombie were roused, and Wainewright himself, after his condemnation, admitted to visitors, with extraordinary vanity and audacity, his achievements in poisoning, and elucidated his methods. It is also said that he kept a diary in which he recorded his operations with much complacency. The one thing that hurt little Marie Schneider was the dry bread; the one thing that moved Wainewright was being placed in irons in the hold of the ship. "They think me a desperado! Me! the companion of poets, philosophers, artists, and musicians, a desperado! You will smile at this—no, I think you will feel for the man, educated and reared as a gentleman; now the mate of vulgar ruffians and country bumpkins." At Hobart Town on two occasions he endeavoured to remove by poison persons who had excited his animosity. He is described at this time by one who knew him well as "a man with a massive head, in which the animal propensities were largely developed. His eyes were deeply set in his head; he had a square solid jaw; he wore his hair long, stooped somewhat, and had a snake-like expression which was at once repulsive and fascinating. He rarely looked you in the face. His conversation and manner were winning in the extreme; he was never intemperate, but nevertheless of grossly sensual habits, and an opium-eater. As to moral character, he was a man of the very lowest stamp. He seemed to be possessed by an ingrained malignity of disposition which kept him constantly on the very confines of murder, and he took a perverse pleasure in traducing persons who had befriended him. He was a marked man in Hobart

Town—dreaded, disliked, and shunned by everybody. His sole living companion was a cat, for which he evinced an extraordinary affection." He died of apoplexy in 1852, at the age of fifty-eight.[1] Wainewright presents to us a perfect picture of the instinctive criminal in his most highly developed shape, fortunately a rare phenomenon. It is this instinctive propensity to crime which is sometimes called "moral insanity." This is, however, by no means a happy phrase, since it leads to much fruitless disputation. It is wiser at present to apply to such an individual the more simple term, *instinctive criminal*.[2] There is, however, distinct interest in noting that at one period of his life Wainewright was on the verge of insanity, if not, as is more likely, actually insane; it is extremely probable that he never recovered from the effects of that illness. It may well be that if we possessed a full knowledge of every instinctive criminal we should always be able to put our hands on some definite organically morbid spot.

The instinctive criminal, in his fully developed form, is a moral monster. In him the absence of guiding or inhibiting social instincts is accompanied by unusual development of the sensual and self-seeking impulses. The *occasional criminal*, as he is usually called, is a much commoner and more normally constituted person. In him the sensual instincts need not be stronger than usual, and the social elements, though weaker than usual, need not

[1] See Introduction by W. C. Hazlitt to Wainewright's *Essays and Criticisms*, 1880.

[2] Lombroso and some other authorities prefer the term "born criminal," or "congenital criminal" (*reo-nato*). The term "instinctive criminal" seems to be safer, as it is not always possible to estimate the congenital element.

be absent. Weakness is the chief characteristic of the occasional criminal; when circumstances are not quite favourable he succumbs to temptation. Occasional crime is one of the commonest forms of crime; it is also that for whose existence and development society is most directly responsible; very often it might equally well be called social crime. Here is an example. Two lads of honest life, the sons of agricultural labourers, being unable to obtain a scanty subsistence at home, start one day in a fit of desperation for a distant town in search of work. Without food or shelter, sleeping under a hedge, they reach a farm-house. Looking through a window they see a plum-pudding; they open the window, seize the pudding, and go a few yards off to devour it. In a few hours they are on the way to the lock-up, to receive, later on, a sentence of six months' imprisonment. "At the close of it they were provided with an outfit and an introduction to an employer of labour in Canada; and when we last heard of them they were doing extremely well, with excellent prospects before them."[1] This sequel (which would have been better had it come before the seizure of the plum-pudding) proves that we are not dealing with instinctive criminals. Take another case mentioned by the same writer. A woman with a drunken husband who spends his last penny in the public-house, is driven by actual starvation to commit her first crime. She steals a small piece of meat to feed her hungry children. She is sent to prison. "We heard of her afterwards leading a most consistent and almost saintly life." These persons, it is clear, were not the criminals but the victims; society was

[1] *Scenes from a Silent World.* By a Prison Visitor. 1889.

the criminal. Now and then, as in the cases just cited, it happens that the occasional criminal who is thus recklessly flung into prison is assisted to live a human life. In the great majority of cases he is ruined for life, familiarised with the prison, introduced to bad company. We have, as well as we are able, manufactured him into what is called the *habitual criminal.*

The steps by which the occasional criminal, aided on the one hand by neglect, on the other by the hot-bed of the prison, develops into the habitual criminal are slow and subtle; that is one of the tragedies of life. M. Joly has recorded the experiences of the police concerning the thefts that take place at the great Parisian shops, the Louvre, and the Bon-Marché. "This is the beginning. From a gallery one sees a woman—rich or well-to-do—who buys a certain number of objects and pays for them; but without asking permission she takes some little, almost insignificant object—a little ribbon to fasten a parcel, a more commodious paper-bag. No one will say that she is stealing; no one will think of speaking to her or disturbing her. But she is observed and even watched, for one expects to see her again some time after taking, as she walks along, say, a flower worth twenty-five centimes. A little later she will appropriate an article of greater value, and henceforth she will take for the pleasure of taking. The inclination, which at the beginning had in it nothing instinctive or fatal, will grow as all habits grow. Another time a woman who had no intention of stealing, but whose conscience is probably elastic, grows impatient at the delay in attending to her wants. It is, let us suppose, a purse worth ninety-

five centimes, and the shopman is busy with purchasers of more expensive objects. Suddenly the woman nervously yields to a swift temptation; she does not wish to wait longer, but instead of replacing the purse on the counter she slips it into her pocket and turns on her heels without paying. 'From that moment,' said the inspector, '*she is lost;* she will come back to steal, but she will steal intentionally and deliberately.'"[1]

The world and the criminal's friends are startled some day by a great crime, but that crime is linked on to a chain of slight, occasional, sporadic vices and offences. Sometimes we can trace out these links. Barré and Lebiez were two young French criminals who attracted attention some years ago. They were both of good family, both very intelligent, the former about to enter on a commercial life, the latter on the eve of becoming a doctor of medicine. At this point they murdered an old woman to rob her, and cut up the body to dispose of it. The crime was deliberate and carefully prepared; there was nothing romantic or obviously morbid about it, and a few days after the crime Lebiez delivered an able and eloquent lecture on Darwinism and the Church. In each of these young men there were, M. Joly observes, nine stages in the path of crime. Let us first note those of Barré:—1. His employer is obliged to dismiss him on account of misconduct with a servant girl. 2. He writes untruthful letters to his family, describing habits of work which do not exist. 3. He acquires an extravagant taste for speculation on the Stock Exchange. So far his course, though not exemplary, was one that has often enough been traversed by

[1] H. Joly, *Le Crime*, 1888, p. 269.

PLATE I.

persons who have never reached the scaffold. 4. He speculates with the savings which two girls had entrusted to him for investment. 5. To obtain money from his father, to whom he talks of establishing himself, he forges letters. 6. He embezzles various sums of money by an aggravated form of the same process. 7. He steals a watch from a prostitute's rooms. 8. He steals eight francs from the same. 9. He decides on the murder of the old milk-woman with whom he has had business relations, and whose savings, as he knows, are considerable. Lebiez went through the following stages:—1. His violent language to his mother is remarked. 2. He is, notwithstanding very small means, known to be living with a mistress, and he procures obscene photographs. 3. On account of irregularity he is sent away from an institution where he gave lessons. 4. He speculates on the Stock Exchange, which, being poor, he could only do by accepting profit and refusing to meet loss. 5. He steals books from his friends and sells them. 6. He several times leaves his lodgings clandestinely, without paying the rent. 7. He participates in the theft of the watch by Barré. 8. He shares the profits of the second theft. 9. They decide on the murder together. Such are the slow steps by which the occasional criminal becomes the *habitual criminal* or the *professional criminal*. It must be remembered that the lines which separate these from each other, and both from the instinctive criminal, are often faint or imperceptible. "Natural groups," as Mr. Galton remarks, "have nuclei but no outlines." In the habitual criminal, who is usually unintelligent, the conservative forces of habit predominate; the professional criminal, who is usually intelligent, is guided

by rational motives, and voluntarily takes the chances of his mode of life; while in the instinctive criminal the impulses usually appear so strong, and the moral element so conspicuously absent, that we feel we are in the presence of a natural monster. It is not, however, always possible to make these distinctions.

The professional criminal, though not of modern development, adapts himself to modern conditions. In intelligence, and in anthropological rank generally, he represents the criminal aristocracy. He has deliberately chosen a certain method of earning his living. It is a profession which requires great skill, and in which, though the risks are great, the prizes are equally great.[1]

Lacenaire, a famous criminal of the beginning of the century, has sometimes been regarded as the type of the professional criminal, and to complete this classificatory outline it may be well to sketch his career. He was born at Lyons about the beginning of the century, received a good average education, and was very intelligent, though not distinguishing himself at college. He was ambitious and, at the same time, incapable of sustained work. He came to Paris to study law; but his father's resources were inadequate, and he became a clerk, frequently changing his situation, growing tired of work at length, and engaging as a soldier. So far no offence is recorded. When he returned to France his father, become bankrupt, had

[1] Whoever wishes to study the modern professional criminal and his methods should consult Inspector Byrnes' *Professional Criminals of America*. It is not a scientific work, and has no reference to anthropologic methods, but it contains a very large and valuable series of photographs of contemporary criminals of note, with a sketch of the career of each.

fled. Some friends came to the young man's help, and gave him 500 francs. He hastened to Paris and spent it in enjoyment. Then he entered the literary Bohemia, and wrote verses and political articles, fighting a duel with a nephew of Benjamin Constant and killing him. He said, later on, that the sight of his victim's agony had caused him no emotion. Soon his love of enjoyment outran his means of getting money, though these might have been considerable had he cared to work steadily, and he obtained money by theft and swindling. Condemned to prison, he soon formed connections with professional criminals, and associated them in his schemes and joined them in their orgies. He adopted false names, multiplied forgeries and disguises, and preyed actively on society. After an orgy at this time he committed a murder, and he attempted to murder a man who had won a large sum from him in gambling. The crime and the attempt both remained unpunished. Gifted with intelligence, and still more with vanity and audacity, Lacenaire continued his career of systematic crime until finally he met the guillotine. He was a professional criminal, but also, it will be seen, he was something of an habitual, something of an instinctive criminal.[1]

We have glanced briefly at the circles of crime—circles that extend from heaven to very murky depths of hell, and that yet are not far from any one of us. It is still necessary to touch on the various ways in which the causes and nature of this vast field of crime may be approached.

[1] The classification of criminals adopted in this chapter corresponds substantially with that of Professor Enrico Ferri, by him recognised as provisional.

There are, first, the *cosmic* causes of crime; that is to say, all the influences of the external inorganic world, the influence of temperature on crime, the increase of crimes of violence in hot weather, the periodicity of other kinds of crime, the influence of climate, the influence of diet.

Then there is the *biological* factor. Under this head we include the consideration of all the personal peculiarities of the individual, anatomical, physiological, psychological. These peculiarities may be atavistic, atypic, or morbid.

Lastly, there is the *social* factor in crime. Criminal sociology deals with the production of crime by social influences, and by economic perturbations. Infanticide is nearly always related to the social factor; and the study of the various social influences which promote or hinder infanticide is extremely instructive. The relations between crimes against the person and the price of alcohol, and between crimes against property and the price of wheat, also belong to this department of the study of crime. Society prepares crimes, as Quetelet said; the criminal is the instrument that executes them. "The social environment," Lacassagne has well said, "is the cultivation medium of criminality; the criminal is the microbe, an element which only becomes important when it finds the medium which causes it to ferment: *every society has the criminals that it deserves.*"

It is impossible to over-estimate the importance of the social factor in crime. To some extent it even embraces the others, and can be made to regulate and neutralise them. But we cannot deal wisely with the social factor of crime, nor estimate the vast importance of social influences in the production or

prevention of crime, unless we know something of the biology of crime, of the criminal's anatomical, physiological, and psychological nature. This book is concerned with the study of the criminal man.

CHAPTER II.

THE STUDY OF THE CRIMINAL.

WHEN Homer described Thersites as ugly and deformed, with harsh or scanty hair, and a pointed head, like a pot that had collapsed to a peak in the baking—

> ἄισχιστος δὲ ἀνὴρ ὑπὸ Ἴλιον ἦλθεν.
> φολκὸς ἔην, χωλὸς δ' ἕτερον πόδα. τὼ δέ οἱ ὦμω
> κυρτώ, ἐπὶ στῆθος συνοχωκότε. αὐτὰρ ὕπερθεν
> φοζὸς ἔην κεφαλήν, ψεδνὴ δ' ἐπενήνοθε λάχνη

—he furnished evidence as to the existence of a criminal type of man. These physical characters of Thersites are among those which in these last days have been submitted to scientific observation, and to statistics, and have been largely justified. The epigrammatic utterances in which primitive peoples crystallise and pass on their philosophy and science, include many sayings which prove the remote period at which men began to perceive the organic peculiarities which separate the criminal man from the average man. There are some proverbs of this character, such as those indicating the widespread dislike of the red-haired, for which no solid justification has yet been found; but among various races, and in many countries, numerous proverbs indicate a certain degree of truthful observation: *A*

vultu vitium, the old Roman saying; *Au vis* [*visage*] *le vice*, the old French saying; "Salute from afar the beardless man and the bearded woman;" "Distrust the woman with a man's voice;" "A pale face is worse than the itch." Such are a few that might be easily increased.

At a very early period such popular generalisations as these were embodied in that empirical science of physiognomy, which found many professors among the Greeks and Romans. According to the well-known story, a Greek physiognomist who examined Socrates' face judged that the philosopher was brutal, sensuous, and inclined to drunkenness; and Socrates declared to his disciples that such, although he had overcome it, was his natural disposition. He was himself a physiognomist; he disliked a certain man who was of pale and dark complexion, such signs, he said, indicating envy and murder; the peculiar dark and pallid complexion of the instinctive criminal has of late years been frequently noted.

Aristotle, that great master of all the sciences, clearly recognised not merely the physiognomic signs of habits, vices, and crimes, including many signs that are in accordance with modern scientific observation, but he also observed a connection between the shape of the head and the mental disposition, and he recognised the hereditary character of vicious and criminal instincts. Galen, who inaugurated the experimental study of the brain, adopted the views of Aristotle, and pointed out the influence of the abuse of alcohol in the production of crime; he was of opinion, also, anticipating a modern doctrine, that when the criminal is a criminal by nature he ought to

be destroyed, not in revenge, but for the same reason that scorpions and vipers are destroyed.[1]

Although these feeble beginnings of criminal anthropology received the sanction of the highest scientific authorities, as well as of the people, and later on a mediæval law declared that if two persons fell under suspicion of crime the uglier or more deformed was to be regarded as more probably guilty, they were not universally admitted, and some, like Pliny, regarded it as absurd that the outward form could indicate the inward disposition. Whatever art or science there was in the matter was left, then and long after, to the physiognomists, of whom Polemon may be taken as a distinguished example, and these were ready to supply the most elaborate physical signs to correspond to any vicious or criminal disposition. Polemon wrote of the criminal that he was of pallid complexion, with long hair, large ears, and small eyes, and he proceeded to give the characteristics of various classes of criminals, his observations often showing keen insight. This pseudo-science was passed on from physiognomist to physiognomist, usually with added absurdities, until in the seventeenth century we reach the Neapolitan Dalla Porta, at once the greatest (and except Lavater

[1] Seneca also advocated, in a similar way, the removal without vengeance of noxious members of the social body: "At corrigi nequeunt, nihilque in illis lene aut spei bona capax est?—Tollantur e coetu mortalium facturi pejora quæ contingunt et quo uno modo possunt, desinant esse mali; sed hoc sine odio. Nam quis membra sua tunc odit cum abscidit? Non est illa ira, sed misera curatio. Rabidos effigimus canes, et trucem atque immansuetum bovem occidimus, et morbidibus pecoribus, ne gregem polluant, ferrum dimittimus. Nec ira sed ratio est, a sanis inutilia secernere."—*De Ira*, lib. i., cap. 15.

the last) of the physiognomists of the old school and the first of the new. He treated judicial astrology with contempt, and at the same time wrote a treatise of celestial physiognomy; he gathered up all that his predecessors had done, and at the same time laid the foundations of a more scientific treatment. He made a systematic attempt to show a correlation between the nature of a man and the conformation of his body; he accredited the conception that crime is the inevitable consequence of certain abnormal organisms, aided by special external conditions, fatally commanding the individual's actions.[1] It may also be noted in passing that at an earlier period a great scholar who was not a physiognomist, Regiomontanus the humanist, had declared that there are men who, though condemned by lawyers, are by their very organisation destined to crime; while at a still earlier period St. Thomas Aquinas, in his *Summa*, had more vaguely formulated the same doctrine.

Attention has lately been called to Fuchsius, a German, who about the same time as Porta published a volume on physiognomy which contained many acute observations. He noted that precocious wrinkles are associated with what was later termed degenerescence, occurring in those born of enfeebled parents ("generati de semine genitorum finitorum"), and he anticipated Lombroso in associating criminality and epilepsy. Gratarol, also, in the middle of the sixteenth century, was in many points an acute precursor of Lombroso,

[1] A series of articles on Dalla Porta's relation to criminal anthropology will be found in *L'Anomalo*, 1894-97. Antonini, I may remark, has written a book on the pioneers of criminal anthropology, *I Precursori di Lombroso*, 1900.

connecting numerous hereditary malformations and anomalies (long faces, large ears, thick hair, projecting canines, etc.), with a tendency to criminality and insanity.

Passing by Lavater, with his fine intuition and genial humanity, which formed, however, no epoch in the scientific study of criminal anthropology, at the beginning of the present century we reach Gall, a very great figure in the history of science, and the representative of the most important moment in the development of our knowledge of the brain.

Gall thrust aside for ever the credulous fancies of the physiognomists; and he has been described, not altogether without reason, as the founder of the modern science of criminal anthropology. He was certainly its most brilliant pioneer. Lavater believed in the homogeneity of the human organism, but he was not a man of science, and he had been content to study the surface of the body; Gall, with true scientific instinct, tried to get to the root of the matter; following the great English anatomist, Willis, who had made some attempt at cerebral localisation, he studied the brain, sought to differentiate the functions of its various parts, and the effects of its varying development on the skull.

For Gall the varying development of the brain was the cause of the divergent mental and moral qualities of the individual; he was firmly convinced that all the facts of psychical life are rooted in the physical organisation; he wished to write the natural history of every primitive moral and intellectual force, in health as well as in disease. To the best of his ability he carried out this programme in detail, by an unceasing study of all the varieties of the brain

and of the living head that he could find; he pursued his studies throughout Europe, in lunatic asylums and in prisons, as well as among the ordinary population, and he foresaw the extent of the applications of the science he was opening up to medicine and to law, to morality and to education. While his work extended far beyond the borders of what we should now call criminal anthropology,[1] he devoted much attention to the problems of the criminal organisation, and even to its varieties, many of his observations according well with the results of recent investigation. More than this, following Galen and Diderot (who had written, fifty years earlier, "The evil-doer is one whom we must destroy, not punish"), he clearly advocated a method of dealing with the criminal which is now widely regarded as the only right and reasonable method. "There can be no question," he said, "of culpability or of justice in the severe sense; the question is of the necessity of society preventing crime. The measure of culpability and the measure of punishment cannot be determined by a study of the illegal act, but only by a study of the individual committing it." In his great work, *Les Fonctions du Cerveau* (1822), Gall has summed up his conclusions.

It has been the misfortune of this great and truly scientific investigator to give origin to an empiric art

[1] This is the term now generally used to signify the science of the criminal. It is, however, open to objection. "Criminal Psychology" has been suggested, but is somewhat narrow. Professor Liszt has proposed "Criminal Biology," and at an International Congress of Criminal Anthropology, Topinard suggested "Criminology." "Criminal Anthropology," however, is so widely used that I have not ventured to introduce any substitute. The reader must remember that criminal anthropology, although related to general anthropology, is not merely a branch of that science.

of phrenology which took the place of the old art of physiognomy he had done so much to destroy. He has consequently, until recent years, been popularly known chiefly by his mistakes, especially perhaps by his localisation of the sexual instinct in the cerebellum—a localisation, however, which he supported by a large body of evidence.

In Gall's time the study of criminals was already beginning to be recognised as coming within the province of the alienist. A German alienist, Grohmann, of Hamburg, seems to me to deserve one of the first places among the founders of criminal anthropology. Basing his classification on a psychology of the will, he held that there are three varieties of disorganisation in affections of the will: (1) inborn moral obtusity (*Stumpfsinn*), (2) inborn brutality of the will, (3) moral idiocy, especially shown in transitory or periodic attacks of "moral cretinism."[1] Grohmann thus virtually established a definition of the instinctive criminal which, although lost sight of for a long subsequent period, is still valid. He also anticipated many of the conclusions relative to facial and cranial characteristics reached by modern criminal anthropologists. Thus, in 1820, he wrote:—"I have often been impressed in criminals, and especially in those of defective development, by the prominent ears, the shape of the cranium, the projecting cheek-bones, the large lower jaws, the deeply-placed eyes, the shifty, animal-like gaze."

It has sometimes been held that Prichard, by his formulation of the doctrine of moral insanity, should be regarded as one of the founders of criminal anthropology. In his *Treatise on Insanity* (1835), Prichard

[1] Nasse's *Zt. f. psych. Aerzte*, 1819.

PLATE II.

defined "moral insanity" as "a morbid perversion of the natural feelings, affections, inclinations, temper, habits, moral dispositions, and natural impulses, without any remarkable disorder or defect of the intellect or knowing and reasoning faculties, and particularly without any insane illusion or hallucination." The cases which Prichard brought forward in illustration of this condition were, however, clearly insane in far more than "moral" respects, and would now undoubtedly be considered insane without resort to that conception. Prichard was following in the steps of Esquirol and other French alienists, who were seeking to educate public opinion as regards the recognition of morbid impulsions as constituting insanity, and he rightly revolted against the conception of insanity then ruling among English lawyers, by whom it was regarded as a purely intellectual matter. From the practical and clinical point of view he was making a real advance; but he was not happily inspired in accepting the term "moral insanity," which has led to much fruitless and unhappy discussion, besides leading to the abandonment of the far more satisfactory term "moral imbecility." The latter was, however, preserved by a contemporary of Prichard, Laycock, who in this, as in so many other fields, interested himself in matters to which later generations have devoted attention; in one of his last papers Laycock remarked, regarding the dangerous classes, "that many or the majority of these criminals are moral imbeciles is certain." Prichard seems to have possessed less grasp of the problem of criminality than Grohmann (with whose writings he appears to have been unacquainted), and he never occupied himself with criminals. That,

however, there are no clear lines of demarcation between the insane and the criminal he expressly recognised, and he argued that when capital punishment was abolished this difficulty in the administration of justice would be of comparatively minor importance.

Mayo, whose views, with some fluctuations, resembled those of Grohmann, was really much more on the line of progress than Prichard. In an *Essay on the Relation of the Theory of Morals to Insanity*, and subsequently in *Elements of the Pathology of Mind* (1838), T. Mayo accepted what he called "brutality" (in which faculty of moral choice is non-existent)—a condition, he considered, only previously described by Aristotle—as a form of insanity, and in his later work as, distinct from insanity, "a primary mental disease," in which there is an original deficiency of moral sense. He did not attempt to decide how far the laws should be modified in order to treat "brutality" as insanity is treated, but thought that something between a school and a mad-house was required.

Most of those who studied the criminal at that period were much under the influence of the artificial system of phrenology founded by Gall. The influence of dubious phrenological doctrines hardened into a system somewhat impairs the value of Lauvergne's *Les Forçats* (1841), which seems to have been the first book of any importance devoted entirely to the study of convict nature, physical, moral, and intellectual. Lauvergne, who was the chief medical officer to the hospital for convicts at Toulon, appears to have been a man of humanitarian instincts, whose wit and *bonhomie* enabled him to maintain friendly

PLATE III.

relations with the criminals he was studying; he had little capacity for scientific analysis, but he wrote fully of what he had seen and known, and his book contains many keen observations which have been since verified. He fully recognises also the importance of the social factor in the production of criminals.

Lauvergne had observed how many of his subjects were insane or diseased; the students of the criminal who followed him all insisted on the pathological element. Dally maintained that the criminal and the lunatic are identical, and both equally irresponsible. Prosper Lucas, in his valuable *Traité philosophique de l'hérédité* (1847), showed how deeply rooted in the organism are the morbid tendencies of crime. Lélut compared the length and breadth of head in criminals. Voisin noted their defects in cerebral organisation. It was, however, Morel who, in his *Des Dégénérescences* (1857), chiefly developed this aspect of criminality, and his influence is still strong among French students of the criminal. Morel regarded crime as one of the forms taken on by degeneration in the individual or the family; and degeneration he defined as "a morbid deviation from the normal type of humanity." The causes of degeneration which he recognised were intoxications, famines, social environment, industries, unhealthy occupations, poverty, heredity, pathological transformations, moral causes. "My principal aim," he says, "has been the study of these causes, and of the influences which they exercise, firstly on the constitution of individuals, and afterwards on that of their descendants." Among these causes he gives a chief place to the manifold effects on the children of alcoholism in the parents.

In his pamphlet *De la Formation du Type dans les variétés dégénérés* (1864), Morel proposed to give the name of morbid anthropology to "that part of the natural science of man, the aim of which is to study the characters due to certain special diseased influences, as well as to hereditary transmissions of bad nature."

Despine, by his great work, *Psychologie Naturelle* (1868), made a new and important step in criminology. Leaving aside the study of the criminal's physical nature, he sought to make an exhaustive study of his mental nature. No one has done more than Despine to prove that what we should now call the instinctive criminal is, on the psychological side, a natural anomaly, a mental monstrosity. He brought into clear relief the unforeseeing imprudence, the entire lack of moral sensibility and of remorse, which characterise the instinctive criminal. He recognised that the criminal is not necessarily an insane or diseased person, and he showed that his abnormality is not of the kind that intellectual education can remedy. "No physiologist," he said, "has yet occupied himself with the insanity of the sane;" he considered the criminal as "morally mad," and therefore irresponsible. Maudsley, from an opposite philosophic standpoint, came to very similar conclusions. Without bringing any fresh contribution of importance, he re-affirmed emphatically the conclusions already reached. Speaking in his *Responsibility in Mental Disease* (1872) of instinctive criminals, he remarks, "It is a matter of observation that this criminal class constitutes a degenerate or morbid variety of mankind, marked by peculiarly low physical and mental characteristics." Like Despine, he drew from this the conclusion, since

widely accepted, that the criminal, being morally insane and usually incurable, should be treated in the same way as the intellectually insane person. "If the matter be considered deeply, it may appear that it would, perhaps, in the end make little difference whether the offender were sentenced in anger and sent to the seclusion of prison, or were sentenced more in sorrow than in anger, and consigned to the same sort of seclusion under the name of an asylum. The change would probably not lead to an increase or to a decrease in the number of crimes committed in a year." An artist as much as a man of science, master of a sombre and weighty style, illumined by vivid flashes of imagination, Maudsley by his numerous works popularised the new ideas, and is justly regarded abroad as a pioneer of criminal anthropology.

Broca, who, by initiating the Anthropological Society of Paris in 1859, has been regarded as the founder of the modern science of anthropology, gave attention also to the special science of criminal anthropology by noting the peculiarities of the skulls and brains of criminals. At the Exeter meeting of the British Association in 1869, Dr. G. Wilson read a paper on "The Moral Imbecility of Habitual Criminals as exemplified by cranial measurements." He had measured 464 heads of criminals, and found that habitual thieves presented well-marked signs of insufficient cranial development, specially anteriorly. "The cranial deficiency," he observed, "is associated with real physical deterioration. Forty per cent. of all the convicts are invalids, more or less; and that percentage is largely increased in the professional thief class." He argued that a prisoner must be

treated on reforming principles, and not allowed unrestricted liberty until there was reasonable evidence to show that he would not prove dangerous to society. About the same time, also (in 1870), J. Bruce Thomson, Resident-Surgeon to the General Prison for Scotland at Perth, published in the *Journal of Mental Science* a summary of his observations on over 5000 prisoners. From the decisiveness of his utterances and the large number of prisoners of whom he was able to speak, this summary gave a stimulus to the study of the criminal throughout Europe. Thomson enumerated some of the physical characteristics of the instinctive criminal now generally recognised, pointed out the semi-imbecility prevalent among the juvenile criminals under his observation, the frequency of accumulated morbid appearances at *post-mortem* examinations, and the large proportion of cases at Perth needing treatment for mental diseases soon after admission, "apparently from congenital causes." Thomson's facts and opinions were too curtly and, probably, too emphatically stated. Dr. Nicolson, writing also in the same journal from 1873 to 1875, dealt with the morbid psychology of the criminal, the unstable, emotional element in him, his proneness to delusions, his insensibility, and his weak-mindedness. Nicolson's papers still constitute one of the best contributions to criminal psychology made in this country, and one of the earliest made anywhere.

The latest and chief inspiration in the study of criminals has come from Italy. In this respect Italy remains true to traditions that are two thousand years old; in the sixteenth century Italy was still the centre of studies in penal law, and, to keep to modern

times, it is enough to mention the great names of Beccaria and, still more recently, Romagnosi. It was under the auspices of Beltrani-Scalia, well known in connection with prison reform, that the earlier Italian studies in criminal anthropology were published, from 1870 downwards, in the *Rivista delle discipline carcerarie*, a journal which long continued to publish valuable monographs. In this journal Lombroso published, in 1872, the results of some investigations which he had made on prisoners at Padua.

Professor Cesare Lombroso, of Turin, occupies a position of such importance in the development of criminal anthropology that it is necessary to have a clear idea of his aims and methods and the nature of his achievement. Born in 1836, of Venetian parentage, the various and restless activities of Lombroso's career are characteristic of the man who has been all his life opening up new paths of investigation and enlarging the horizon of human knowledge. At the age of eleven he composed romances, poems, and tragedies in the manner of Alfieri; at twelve he developed a passion for classical antiquity, and published two small works on Roman archæology. At thirteen he was attracted to the study of sociology from a linguistic point of view (chiefly, we are told, with relation to Greek, Hebrew, Chinese, and Coptic); at the same time he was drawn to natural science, being interested especially in the formation of crystals, and before entering the University he had published two books of a somewhat evolutionary character. While a student he was led, by the combined study of ancient religions and of medicine, to the subject of mental diseases.

He began with studies on cretinism in Lombardy and Liguria, his conclusions being afterwards adopted by Virchow and others. In the eventful year of 1859 he became first a soldier, and afterwards a military surgeon. In 1862 he was in charge of the department of mental diseases at Pavia University, and he initiated there an institution for the insane, a psychiatric museum, and a series of researches in the application of exact methods to the study of insanity. This last attempt was at the time received with general derision; it was said that he was studying madness with a yard measure; but his methods gradually made progress, and slowly met with general adoption. After this he made some important investigations into the causes of pellagra. Called to direct the asylum at Pesaro, he reformed it, and established a journal, written and managed by the insane. He then returned to Pavia, where he continued his psychiatric work, investigated the influence of atmospheric conditions on the mind, invented an instrument to measure pain, and engaged in a great number of studies, marked by extraordinary ingenuity, patience, and insight. Even as a youth Lombroso possessed the art of divining fruitful ideas, which at the time appeared absurd to scientific men as well as to the public. Every line of investigation he took up was at the time apparently opposed to the tendency of thought, and only received general attention at a later date. This was true, to some extent, even of the great achievement of his life.

In the year 1859—perhaps the most memorable of the century—Broca, who had a decided influence on Lombroso, had inaugurated the naturalist method

of treating man with the Anthropological Society of Paris. The illuminating genius of Virchow, and his prodigious energy, which has done so much for anthropology and the methods of anthropology, also had its influence on the Italian, in some respects a kindred spirit. And Darwin's *Origin of Species*, published in 1859, supplied, for the first time, an indispensable biological basis, and furnished that atavistic key of which Lombroso was tempted to make at first so much use, sometimes, it must be added, so much abuse. These circumstances combined to render possible, for the first time, the complete scientific treatment of the criminal man as a human variety, while Lombroso's own manifold studies and various faculties had given him the best preparation for approaching this great task. It was in 1859 that he first conceived this task; *L'Uomo Delinquente* was not, however, finally published until 1876, while the third volume only appeared in 1897.

The influence of *L'Uomo Delinquente* in Italy, France, and Germany seems to have been immediate, and almost recalls that of *The Origin of Species*. Despine's *Psychologie Naturelle*, the greatest work on the criminal that had appeared before Lombroso, was partial; the criminal was therein regarded purely as a psychological anomaly. Lombroso first perceived the criminal as, anatomically and physiologically, an organic anomaly. He set about weighing him and measuring him, according to the methods of anthropology. Even on the psychological side he gained new and more exact results. He went back to the origins of crime among plants and animals, among savages and children. He endeavoured to ascertain the place of the criminal in nature, his causes, and

his treatment. Lombroso's work is by no means free from faults. His style is abrupt; he is too impetuous, arriving too rapidly at conclusions, lacking in critical faculty and in balance. Thus he was led at the beginning to over-estimate the atavistic element in the criminal, and at a later date he has pressed too strongly the epileptic affinities of crime. His weaknesses have never been spared rough handling from friendly or unfriendly hands. Thus Mantegazza, while recognising his *ingegno potentemente apostolico e geniale*, denies that Lombroso possesses any of the qualities of a scientific investigator, and Dr. Napoleone Colajanni, who, from the socialistic left of the movement, has, in his *Sociologia Criminale* (1889-90) and elsewhere, bestowed much elaborate and often valuable criticism on the centre, compares Lombroso's indiscriminate collection of facts to the Abbot's famous order at the sacking of Beziers: "Kill them all; God will know His own." But his work has been so rich, so laborious, so various; it has opened up so many new lines of investigation, and has suggested so many more, that it has everywhere been received as marking a new epoch. He was, as he has himself expressed it, the pollen-conveying insect, and the new science which he fecundated has grown with extraordinary rapidity. A continuous stream of studies—from books of the most comprehensive character down to investigations into minute points of criminal anatomy or physiology—is constantly pouring forth. It is still impossible to gather up this mass of investigation, often necessarily discordant, into more than a tentative whole, but its existence is sufficient to prove the vitality of the new science. It has of course met with fierce antagonism, and

Lombroso himself has declared that perhaps not one stone will remain upon another, but that if this is to be the fate of his work, a better edifice will arise in its place.

Lombroso had the good fortune to be aided in his work by several distinguished fellow-countrymen, both on the medical and the legal side. Among these special mention may be made of Ferri, who is now specially interested in the social aspects of criminality, and who reveals a breadth of view and comprehensiveness of grasp not always displayed by Lombroso; while Marro, avoiding all theories, has devoted himself to the patient and careful study of the anatomical and physiological characters of criminals, especially on the anthropometrical side, and Garofalo has shown how the conception of criminal anthropology can be practically applied in law. Thus Lombroso has had the good fortune to be aided by fellow-workers whose abilities were in many respects complementary to his own, and who have shown themselves strong on sides where he has been lacking. Nevertheless, it is to Lombroso that the honour of founding the scientific study of the criminal must ever chiefly belong. Whether or not any of his theories will ultimately be retained, it remains true that his inspiration and enthusiasm have rendered the criminal a proper object of scientific study everywhere, and have indirectly given a powerful stimulus to the scientific study of man generally, while they have also furnished a basis for the scientific treatment of the criminal.

CHAPTER III.

CRIMINAL ANTHROPOLOGY (PHYSICAL).

§ 1. *Cranial and Cerebral Characteristics.*

CONSIDERABLY greater importance was formerly attributed to the shape and measurements of the head than we can now accord to them, although the subject still retains much interest. A vast quantity of data has accumulated concerning the heads of criminals; some of the results are contradictory, but certain definite conclusions clearly emerge.

The *average* size of criminals' heads is probably about the same as that of ordinary people's heads; but both small and large heads are found in greater proportion, the medium-sized heads being deficient. The same is true, as Tigges and others have shown, of the insane, though among these the larger preponderate to a greater extent. Thieves more frequently have small heads; the large heads are usually found among murderers.

Nothing very definite can be said of the cephalic indices save that they are frequently an exaggeration of those of the race to which the criminal belongs; those of long-headed race being sometimes very long, and those of broad-headed race sometimes very broad; the Corsican criminal being often very dolichocephalic, and the Breton criminal often very brachy-

cephalic. This exaggeration of the racial cephalic type has not only been found by Corre and Laurent in France, but also by Lydston, among criminal negroes, Indians, and half-breeds in America; and Talbot, in an examination of some 1,500 criminals at Elmira and Pontiac, found a marked tendency to dolichocephaly, although the subjects belonged to a more or less mesocephalic population.[1]

There is a generally recognised tendency to the pointed (oxycephalic) or sugar-loaf form of head. Though this form is probably, as Benedikt points out, an effort at compensation, it is an effort that testifies to defective organisation. The opposite defect of low or flat-roofed skull is also found among criminals, and is characteristic of degeneration. Lauvergne, in his old book on criminals, has a vivid and picturesque sketch of a variety of oxycephalic head, which he called the satanic type, and which he found among many of the worst criminals: "Such are the heads which painters throw into their pictures, and call 'heads of the other world.' I have recognised them in mediæval pictures, and in all the museums in which the products of early art are preserved. You will see them on old cathedrals, in which devils play a part,

[1] Lydston, *Essays and Addresses*, 1892, pp. 65-92 (reprinted from *Alienist and Neurologist*, Oct. 1891); E. Talbot, *Etiology of Osseous Deformities of the Head*, etc., 1894, chap. x., containing descriptions of extremely teratological criminal skulls; *ib.*, "A Study of the Stigmata of Degeneracy among the American Criminal Youth," *Jour. Am. Med. Ass.*, 9th April, 1898; also Debierre's very cautious study, containing the results of observations of several hundred crania, *Le Crâne des Criminels*, 1895. Pitard, again, has investigated a series of skulls of French criminals, in comparison with series of normal skulls, and shows that the former possessed characters distinguishing them from normal skulls; E. Pitard, "A propos d'un série de 51 crânes de criminels," *Archives des sci. phys. et nat. de Genève*, 1899, p. 70.

or wherever the artist has received some diabolical inspiration, as in the Campo Santo at Pisa. One cannot, indeed, better represent the genius of evil, Satan, the fallen angel, than by giving him such a head. . . . Behind the frontal bones the head seems to have been tied with a band to compress it around and to force the swelling of the hemispheres upwards and backwards. It is the head vulgarly called sugar-loaf. When it is complete, that is to say, when it presents a prominent base supporting an inclined pyramid, more or less truncated, this head announces the monstrous alliance of the most eminent faculty of man, genius, with the most pronounced impulses to rape, murder, and theft." Benedikt regards the bilateral elevation of the sagittal suture as, though rare, "significant of profound perversity of brain function." He also regards disproportionate development of the occipital part of the skull as a characteristic mark of degeneration.[1]

Bordier, Corre, Héger, Dallemagne, Ferri, Debierre, and indeed most investigators, have found that in the skulls of murderers the frontal curve is relatively less, and the parietal curve relatively greater; while at Elmira and Pontiac Talbot found a tendency to occipital projection, and Pitard found frontal decrease among French criminals. Näcke found among the insane that the anterior portion of the head tends to be smaller in relation to the hinder portion than among the sane,[2] while Crochley Clapham, on measurement of 4000 heads, found the anterior segment of the head slightly smaller among the insane than

[1] This, and most of the other opinions of Professor Benedikt quoted in this section, are from *Kraniometrie und Kephalometrie*, Vienna, 1889.

[2] Näcke, *Verbrechen und Wahnsinn beim Weibe*, 1894, p. 112.

among the sane, and still smaller in idiots.[1] At the same time the elaborate investigations of Professor C. Winkler of Utrecht and Dr. J. D. Van der Plaats indicated that in 50 murderers, as compared with 50 recruits, there was a larger facial development and a smaller anterior cranial development, while Dr. P. A. G. Berends has shown that in these respects imbeciles, epileptics, and paranoiacs resemble murderers.[2] No doubt it is hardly yet possible to speak with much certainty as to the facts, and in regard to the significance of the facts it must be remembered not only that the occipital lobe is a character of increasing importance as we ascend the zoological scale, but that we must not too hastily assume that there is always a very exact relationship between the external measurements of the skull and the proportions of the brain.

The orbital capacity has been noted by Lombroso and others to be frequently larger than normal (as among some savages), especially among thieves. There is sometimes also marked exaggeration of the orbital arches and frontal sinuses which may be related, at all events in the cases of individuals living in the country, with energy of the respiratory system.

Receding foreheads, very commonly observed among criminals, have always been regarded as evidence of low mental and moral organisation, not without reason, though it must be remembered, as Ten-Kate and Benedikt point out, that the breadth, vaulting, and general size of the head must be taken into

[1] *Jour. Ment. Science*, April, 1898.

[2] C. Winkler, *Geneeskundige Bladen*, Nos. 5 and 6, 1895; Berends, *Eenige Schedelmaten van Recru'en, Moordenaars*, etc., 1896.

consideration. Many men of marked intellectual power have had receding foreheads.

Tenchini has pointed out (and the observation has since been confirmed) that the frontal crest is often stronger and more prominent in criminals. In normal skulls he found it 3-4 millimetres in length; in criminals frequently 5-6 mm. It is also larger in the insane and lower races, and relatively larger in orang-utans. It may signify precocious union of the two parts of the frontal bone with consequent arrest of brain development.

The presence of a median occipital fossa has been specially noted by Lombroso, sometimes in connection with hypertrophy of the vermis of the cerebellum, as among the lower apes, in the human fœtus between the third and fourth months, and in some lower races. Benedikt holds that this fossa is related to the venous system rather than to the cerebellum. The frequent presence in the apes and lemurs (*i.e.*, in the other Primates) of such anomalies found in criminals as these first mentioned (as well as receding forehead, prognathism, prominent supraciliary ridges, large frontal bosses, large orbits, large lower jaw, etc.) has led Kurella to class together all such anomalies as "primatoid."

Lack of cranial symmetry is one of the most marked features of the criminal skull, although it has not often at present been subjected to exact measurement.[1] Dr. Lydston, in his studies of criminal's skulls

[1] The evolutionary tendency of the skull among the higher vertebrates seems to be from the asymmetrical to the symmetrical, while the tendency of the brain is from the symmetrical to the asymmetrical. See M. O. Fraenkel: "Etwas über Schädel-Asymmetrie und Stirnnaht," *Neurologisches Centralblatt*, August 1, 1888.

in America, has found asymmetry to be the chief characteristic. It must be remembered that every skull, criminal or non-criminal, is deficient in strict symmetry (and, indeed, every part of the body likewise), and that statistics therefore are here of little value; it is simply a question of the amount of asymmetry; and two observers going over the same series of skulls would almost certainly come to different conclusions. They would probably, however, both find the proportion of asymmetrical heads greater in the criminal than in the ordinary series.

In describing a large series of Bolognese criminal skulls, preserved in the Museo Anatomico at Bologna, Professor Pellacani[1] remarks that before the anatomical study of the criminal had begun, the distinguished anthropologist, Calori, had been profoundly impressed by the extraordinary series of atavistic and pathological characters presented by these skulls. Ranke in 1883 remarked that the average weight of criminal skulls was much the same as that of normal individuals, but that the range of variation was greater. Kurella, summating the observations made by good observers on 830 skulls of criminals guilty of serious offences, found that 77 per cent. showed more than three anomalies, and 43 per cent. more than five anomalies.

Among cranial anomalies which have been found with special frequency in criminals may be noted wormian bones (small bones in the lambdoid suture which have ossified separately),[2] scaphocephaly, a

[1] P. Pellacani, "Crani di grassatori omicidi," *Atti dell' XI. Congresso Medico Internazionale*, 1894, vol. v.

[2] The frequency of wormian bones in the skulls of criminals was first observed by Lombroso, and subsequently confirmed by other

keel-shaped head (due to the premature union of the sagittal suture), trigonocephaly, a triangular-shaped head, with the forehead forming an angle (due to premature synostosis of the metopic suture of the frontal bone), and especially plagiocephaly, an asymmetry of the two sides of the skull (attributed to various causes). All these anomalies may be found with undue frequency not only in criminals, but in the subjects of other forms of degeneracy.[1]

All these cranial abnormalities are found occasionally in ordinary persons; very rarely are they found combined in normal persons to the extent that they are found among instinctive criminals. Thus Lombroso, when he examined the skull of Gasparone a famous brigand of the beginning of the century, whose name still lives in legends and poems, found microcephaly of the frontal region, a wormian bone eurignathism, increase in the orbital capacity, oxycephaly, and extreme dolichocephaly. Mingazzini found that out of thirty criminals eight presented brains and skulls of a weight and capacity only found in submicrocephalic subjects; that several of these showed, either in brain or skull, or both, the union of several anomalies; and that in the skulls of other six

observers. Thus Marimo and Gambara (*Archivio per l'Antropologia*, 1889), in 114 skulls of Italian criminals, found this anomaly 28 times, or in 24 per cent. cases, while among the ordinary population of the south of Italy, where it is, however, more frequent than in any other part of the country, they found it only in 13 per cent. cases.

[1] See, *e.g.*, Giuffrida-Ruggeri ("Sulla Dignità Morfologica dei segni detti Degenerativi," *Atti della Soc. Romana di Antrop.*, 1897), who records the results of examination of some 400 degenerates of both sexes at the Provincial Asylum in Rome. In an examination of 50,000 school children, Warner found that 15 per cent. presented notable cranial defect or abnormality, often associated with other stigmata of degeneracy. (*Brit. Med. Jour.*, 8th Sept., 1894.)

the abnormal appearances were so manifold as to present an aspect which might be called "completely teratologic."[1] Most of these anomalies are found much more frequently in the male than in the female skull, according to Lombroso. Näcke, however, found the skulls of women he examined highly abnormal, and, among degenerates generally, Giuffrida-Ruggeri even finds that the stigmata of degeneracy are more common in women.

In Plates IV.-IX. will be found a series of convicts' heads—concerning which information may be found in Appendix A—illustrating in a very remarkable manner many of the peculiarities noted in this and subsequent sections. They are reproduced from sketches made by Dr. Vans Clarke, formerly governor of Woking Prison. The thirty-six here reproduced I have selected from 111 of a similar character in Dr. Clarke's note-books. They are, as Dr. Clarke remarks, exceptional rather than typical heads; but as he discontinued making the sketches after he had seen about a thousand men, the specimens given are evidently by no means very exceptional. They represent at the least 10 per cent. of the criminals examined. "My sketches," he writes, "were taken at the 'model prison' of Pentonville, where the duty of filling up the medical history-sheet of every convict on his arrival devolved upon me, and I was prompted to use my sketch-book during the physical examination, on the observation of remarkable peculiarities in many of the heads and faces of the criminals. The portraits were necessarily taken in haste, but they were true, and were considered to be successful as likenesses. I may say that I was com-

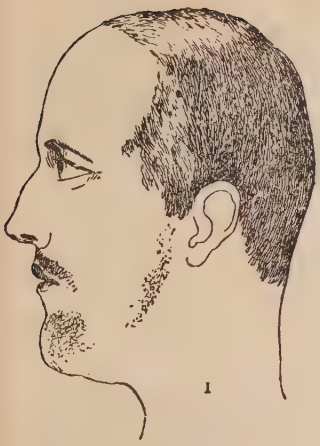
[1] *Archivio di Psichiatria*, 1888, Fasc. vi.

pelled to make a selection rather from want of time than the lack of material. In a less marked degree the instances of misshapen heads and repulsive facial characters were very common." Some of the cranial and facial characteristics noted by criminal anthropologists are brought out in these sketches in so well-marked a form that it may be as well to say that they were taken some years before the publication of Lombroso's work, and it was therefore impossible for Dr. Clarke to have been unconsciously influenced by any preconceived notions on the subject.

It would be possible to deal very much more at length with the various anomalies which have been found on the skulls of criminals, and with the question of their significance.[1] The subject is, however, full of difficulty and doubt. The skull is a highly complex structure, and we still know very little in regard to the anomalies which may occur in normal subjects. It is only rarely that the skulls of really normal and average people are available for examination; it has frequently happened that skulls regarded as "normal" really belong to the very lowest and most degenerate social classes, and it has sometimes happened that the use of such "normal" skulls for comparison with those of criminals has served to confuse the issue and led to misleading conclusions. It must also always be remembered that a certain number of anomalies—of "stigmata of degeneracy"—may be found even in the most normal persons. What we must expect to find in the degenerate is not the mere presence of such anomalies, but their presence in a more marked

[1] A very full summary of the matter will be found in Kurella, *Naturgeschichte des Verbrechers*, as well as in Lombroso's great work.

PLATE IV.



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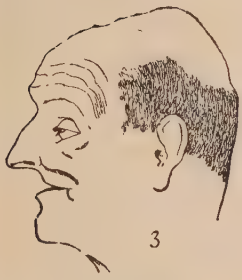

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PLATE V.

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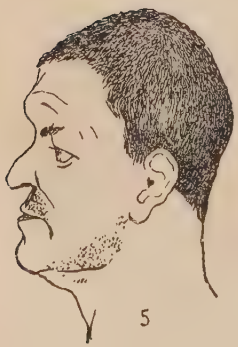

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PLATE VI.

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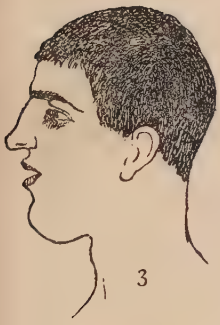
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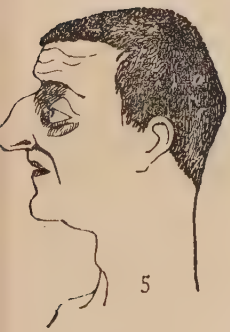
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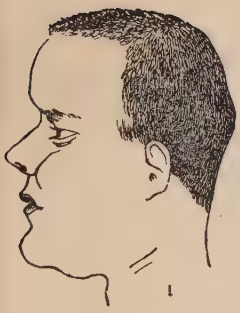
PLATE VII.

PLATE VIII.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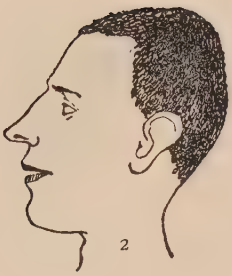
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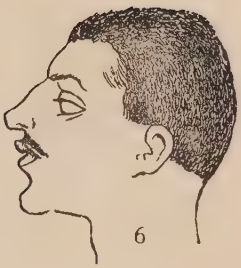
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PLATE IX.

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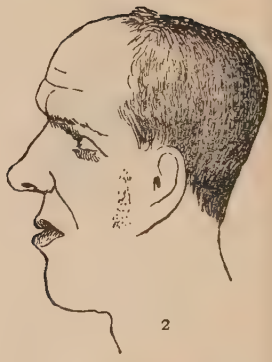
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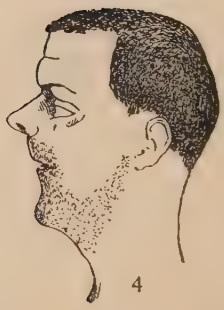
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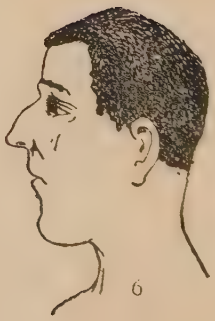
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form and in greater frequency, and what we may finally hope to prove is the special prevalence of special stigmata in criminals.

Talbot, when investigating the prevalence of stigmata of head and face in the living subject among the criminals at Elmira and Pontiac, and comparing them with a series of respectable citizens taken at random, found that the criminals showed nearly twice as many stigmata as the respectable citizens; while the average among the latter was only eight, the American-born inmates of Elmira showed an average of sixteen stigmata, and those of Pontiac fourteen. Ottolenghi, in a careful study of 265 criminals, and taking count mainly of cranial abnormalities, regarded less than three anomalies as normal, and more than three as furnishing an incomplete criminal type, and more than five the complete degenerative type. In his study of 100 general paralytics, as compared with 80 normal persons, Näcke found twice as many cranial anomalies among the former.

Another serious difficulty at present is the varying attitude—the personal equation—of different investigators when observing so complex an object as the skull. This was admirably illustrated a few years ago, when three distinguished authorities belonging to different countries all reached differing conclusions regarding the same skull, which they had all carefully studied. The skull in question was that of Charlotte Corday. This skull was exhibited at the Paris International Congress of Criminal Anthropology in 1889, and Lombroso maintained that, being platycephalic, asymmetric, exhibiting the rare median occipital fossa, etc., it was thoroughly abnormal. Shortly afterwards, Topinard published in *L'Anthropologie* a

very lengthy and detailed study of the same skull, with numerous illustrations; he attached no importance to the abnormalities, and held that the skull was quite normal. Then Benedikt, in the *Archives de l'Anthropologie Criminelle* (May, 1890), brought forward another most elaborate study of the skull, accompanied by tables and complicated diagrams; his position was intermediate between that of the other two experts; he found that some portions of the skull were somewhat masculine in character, and that there were certain unquestionable deviations from the normal; therein he differed from Topinard; but, on the other hand, he considered that these numerous anatomical peculiarities, while not corresponding to typical perfection, were not sufficient to warrant us in classing the skull as either pathological or atypical; therein he differed from Lombroso. All three of these eminent observers had completely realised the character of this skull, but while one of them regarded it as thoroughly and significantly abnormal, another regarded it as quite fairly normal, and the third, while admitting its anomalies, believed that they were of no significance whatever. While such discrepancies in the observation of facts, and in the inference to be drawn from these facts, are possible even among the most competent experts, it seems to me that it is still premature to attach great importance to the study of the skull in criminal anthropology. We meet with the same difficulty in an even greater degree when we turn to the brain.

As far back as 1836 Lélut weighed ten brains of criminals, and his results show an average of 1,350 grammes, a result below that of the normal. Bischoff, in 1880, published the results of an important series

of observations he had made on the weight of the brain in criminals. He weighed the brains of 137 criminals. He found that small-sized brains (*i.e.*, between 1000 and 1,300 grammes) formed 31 per cent. of the whole, while among normal brains (according to Schwalbe's results) they only constitute 25.5 per cent.; large-sized brains were defective in number. Tenchini, among 130 brains of criminals, found that no less than 39.9 per cent. were beneath 1,300 grammes; and Mingazzini, in a smaller series of 30 brains, found that those below 1,300 grammes were in a ratio of 83.2 to the whole number. Benedikt's results are nearly similar. Giacomini, Penta, Topinard, Debierre, etc., have also found that the average weight of the brain in criminals is decidedly less than among normal persons. There will perhaps be found some reason to believe that in a considerable number of cases the brains of criminals tend to approach the microcephaloid type.[1]

There is more evidence in favour of attaching some importance to the shape of the brain, to its relative development, to the condition and relations of its convolutions. Broca, Topinard, and many other eminent anthropologists and anatomists have attributed great value to these relations. Gall was perhaps the first to suspect their significance. Benedikt, in 1879, published some interesting generalisations on the brains of criminals which he had examined.

[1] On the significance of the microcephaloid type in hereditary degenerative states, see Mickle, "Brain-Form in relation to Mental States," *Journal of Mental Science*, July, 1896; and on the atavistic element in the microcephalic brain, see Cunningham, "The Significance of Anatomical Variation," *Brit. Med. Jour.*, 10th Sept. 1898, p. 695; for a full general discussion of the significance of microcephaly, Mingazzini, *Il Cervello*, pp. 136-199.

He found special frequency of confluent fissures; that is to say, according to his own description, if we imagine the fissures of the brain to be channels of water, a swimmer might with ease pass through all these channels. Benedikt also found in the brains of his criminals that the frontal lobe frequently presented four convolutions; the investigations of Hanot and Bouchard confirmed these results. Giacomini, Corre, Fallot, and Féré have shown that these peculiarities are not very rare in ordinary subjects, but their subjects frequently belonged to the lowest and therefore degenerate class. Giacomini found that confluent convolutions were commoner in criminals than confluent fissures. The question of confluent fissures had before this time attracted the attention of Broca, and his conclusions may probably still be accepted:—"One or more of these communications," he said, "do not prevent a brain from being at once very intelligent and very well balanced, but when they are numerous, and when they affect important parts, they indicate defective development. They are often seen in the small brains of the weak-minded and idiots, very frequently also in the brains of murderers, with this difference, that in the first case they are related to the smallness of the convolutions and of the brain generally; while in the second case they coincide with convolutions for the most part ample in size, and bear witness to irregularity in cerebral development." Flesch studied the brains of fifty criminals, and found that every one presented some anomaly, sometimes of a remarkable character, as incomplete covering of cerebellum by cerebrum. He found two kinds of deviations common, one characterised by less richness of convolution than is

found usually in ordinary brains, the other characterised by much greater richness of convolution than he had ever observed in normal brains. On the whole we may agree with Hervé, that "what the brains of criminals present, not characteristically but in common with those of other individuals badly endowed though by no means criminals, is a frequent totality of defective conditions from the point of view of their regular functions, and which renders them inferior."

Benedikt himself no longer maintains his early doctrine of a criminal cerebral type of confluent fissures, as having been founded on too small an amount of material, though still recognising the fairly undoubted fact that certain confluences have an atypical or degenerative significance.[1]

More recently, Mondio, of the Instituto di Anatomico Umano at Messina, carefully studied nine brains of criminals.[2] He followed the methods of Giacomini, and found that there is frequent arrest of development; he believes also that criminals have smaller brains than non-criminals. Further (in agreement with Tenchini and others), he holds that the great and striking fact about the brains of criminals, as compared with the ordinary population, is the number of abnormalities, and the consequent frequency of atypical brains. Mondio compared these brains of criminals with the 80 normal brains which reached the Instituto Anatomico during 1892-94, and which showed no such anomalies. All, or nearly all,

[1] Discussion at Rome International Medical Congress, 1894, *Atti*, vol. vi., p. 84; also "Open Letter to Havelock Ellis," *Jour. Ment. Sci.*, 1890.

[2] "Nove Cervelli di Delinquenti," *Archivio per l'Antropologia*, 1895, and *Archivio di Psichiatria*, 1890.

the anomalies found in the criminals were characteristic of inferiority and due to arrest of development. Mondio finds no criminal type of brain, but he thinks that since the anomalies found were chiefly those of arrested development, phylogenetic in character, "the hope is not unfounded that with the accurate study of these persistent anomalies, guided by physiology and clinical observation, we may some day be able to construct the criminal type."

At present, however, no criminal anthropologist accepts any such type. Lombroso, for instance, has emphatically affirmed (as at the International Medical Congress at Rome) that all that can be asserted is a greater frequency of anomalies. Mingazzini, again, in his valuable study *Il Cervello* (1895) came to the conclusion, as the result of the examination of a considerable number of brains of criminals, that there is no special criminal type of brain, adding, as many observers have already pointed out, that there is not even a normal type of brain; he found, however, that anastomatic bridges from one fissure to another are less frequent than in normal brains, and that there is, therefore, more reason to accept a type of confluent convolutions than a type of confluent fissures. A general consideration of the convolutions and fissures leads, however, he concludes, to the result that the surface of the brain in criminals and in normal persons is fairly similar, the only decided difference being that in criminals unusual arrangements are more common than in normal brains, as well as anomalies having either a phylogenetic significance or indicating arrest of development. Mingazzini also states that his investigations lead him to agree with Lombroso and Benedikt that a superficial position of the *gyrus cunei*

is relatively frequent in criminals.[1] Another important study of the brains of criminals, carried on during ten years, and published at intervals between 1885 and 1895, is Professor Tenchini's *Cervelli di Delinquenti*. Although Tenchini investigated the brains of 130 criminals, he considers that his observations are not yet sufficiently numerous to permit of definite conclusions. He finds, however, that variations in both convolutions and fissures are so numerous that it is justifiable to regard an atypical condition as characteristic of the anatomy of the criminal brain. Such complexity and irregularity is regarded by Féré as the one established point in the morphology of the cerebral convolutions of criminals, and though not solely confined to criminals, he considers that, in conjunction with other relationships of criminality, it constitutes a strong presumption in favour of a pathological or teratological theory of crime.[2]

Although a very considerable mass of evidence is now accumulating, we thus know even less of the brains of criminals than of their skulls. This is in large measure due to the fact that there is at present insufficient evidence regarding the condition of the normal and healthy brain, and unless controlled by careful series of observations on normal persons, observations on criminal brains cannot be interpreted.

Considering that we know so little concerning the

[1] This is a recognised sign of inferiority; see *e.g.* Mickle, *loc. cit.*, p. 565. Reference may be made to Mingazzini's work for details regarding the various cerebral anomalies in criminals and their frequency; a useful table presenting the results obtained by various investigators is given by Kurella, *Naturgeschichte des Verbrechers*, 1893, p. 100.

[2] Féré, *La Famille Névropathique*, 2nd ed., 1898, p. 37.

macroscopic characters of the brain in criminals, it is not surprising that—owing to the same ignorance regarding normal brains—we know even less concerning their microscopic characters.

Dr. Roncoroni, an assistant in Lombroso's laboratory at Turin, has published a study on this subject.[1] In obtaining his material he was assisted by Tamburini, Giacomini, Bianchi, and other well-known workers. He investigated on an average three points in the frontal lobes of the brains of 10 normal persons, 2 new-born children, 25 epileptics, 11 recidivist ("congenital") criminals, 8 occasional criminals, 10 insane persons, and 14 animals. The sections were prepared in accordance with a special method. Of the 25 epileptic brains 5 were normal; of the 11 recidivists 6 were normal, or only slightly abnormal; of the 8 occasional criminals 5 were quite normal and the remainder only slightly abnormal. The decreasing order of normality was thus:—Occasional criminals, recidivists, epileptics. The chief anomalies noted were (1) absence or great reduction of deep granular layer, (2) unusual prevalence of large pyramidal and polymorphic cells, (3) frequency of cells in white matter. Roncoroni then proceeds to discuss the significance of these anomalies. Analysing the factors in epilepsy, he concludes that these anatomical phenomena represent the hereditary element. "The morphological anomaly reveals to us the disordered development of the nervous system, a development which predisposes to chemical alterations, if indeed the same cause does not produce both these disturbances," although the morphological

[1] "La Fine Morfologia del Cervello degli Epilettici e dei Delinquenti," *Arch. di Psichiatria*, Fasc. i.-ii., vol. xvii., 1896.

anomaly is not essential. The changes in the criminal brains are the same in kind though less in degree, and Roncoroni regards them all as morbid changes due to atavism or arrest of development during fœtal life. These conclusions await confirmation or disproval by other investigators.

The important matter of the vascular supply of the brain in criminals has yet received little attention, but a variety of pathological features have been found in the cerebral substance and membranes—pigmentation, degenerating capillaries, cysts, thickened and adherent membranes, the vestiges of old hyperæmia and hæmorrhages. Some of these conditions are found with great frequency, in the opinion of some investigators much oftener than in the insane; meningitis, for instance, being found, according to Lombroso's experience, in 50 per cent. of the cases examined; while Flesch has obtained very similar results. The frequency of meningitis was noticed in some of the answers to my Questions, especially by one prison surgeon who wrote of "well-organised adhesions between the dura mater and vault of cranium, localised but more extensive than one would expect to find." Unfortunately, he was unable to supply exact figures as to the frequency of such signs. It must be added, as a point of considerable importance, that in very few cases have these pathological lesions produced any traceable symptoms during life.

§ 2. *The Face.*

Prognathism has frequently been noted as a prominent characteristic of the criminal face, both in men

and women. Lombroso, Orchanski, Ten-Kate, Pawlovsky, Corre, Roussel, and Debierre may be mentioned among those who insist on the tendency of criminals to prognathism; while the measurements of Orchanski, Francotte, and Ferri have shown that a large jaw is a prominent characteristic of criminals, perhaps more especially of criminals guilty of offences of violence.[1] The squareness and prominence of the jaw are obvious to the eye, and this is verified by weighing after death, as has been shown by Manouvrier. The average weight of the Parisian criminal skull is, if anything, below that of the ordinary Parisian, but while the average weight of the lower jaw in the latter is about 80 grammes, it is about 94 grammes among murderers. In this respect the criminal resembles the savage and the prehistoric man; among the insane the jaw weighs rather less than the normal average. A type of receding chin is also found especially among petty criminals, the occasional or habitual, who are criminals by weakness; such heads Lauvergne called *têtes moutonnes*. This condition frequently constitutes mandibular prognathism, and appears to be usually due to arrest of the growth of the body of jaw. Talbot found this anomaly in 50 per cent. of the criminals at Elmira.

Recent investigations have fully confirmed the conclusions of Manouvrier. Thus Debierre found

[1] It is a fairly well established fact that the lower jaw is more massive in the inferior than in the higher human races. Ferri has shown that the same is true of social classes, and that the lower social classes have larger jaws than the better social classes. He measured, for instance, the breadth of jaw in 20 students and a large number of soldiers, and found that while the students showed a decidedly greater absolute circumference of head, they also showed absolutely much less diameter of jaws. (*L'Omicidio*, pp 166-178.)

that while the average weight of the lower jaw in non-criminals was 69 grammes, in criminals it was as much as 95 grammes.[1] Gurrieri has made a systematic investigation.[2] He selected 25 skulls of normal individuals, 25 of insane, 25 of criminals, all males, and weighed them—(1) in the complete condition, (2) without jaw, (3) the jaw alone. The results are set forth in his paper, and show that while (as previous observers have found) the jaw in criminals is much larger than in normal persons, much more so, proportionally, than the skull, the insane occupy an

Arrest of Lower Jaw (*Talbot*).

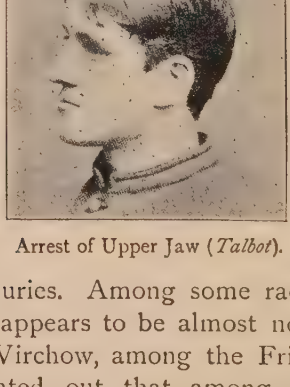
intermediate position. It should be added that the four heaviest skulls belonged to insane persons.

Progenism—that is to say, an abnormally prominent position of the lower jaw, so that the lower teeth either meet the upper teeth edge to edge (the "half progenism" of Näcke), or else project beyond them—has also been noted as comparatively frequent among criminals. Thus Peli found it only among 1 and 2 per cent. of normal people, 15 and 28 per cent. insane,

[1] Debierre, *Le Crâne des Criminels*, 1895, pp. 142-146.

[2] "Sul Peso del Cranio e della Mandibola nei Normali, nei Pazzi e nei Delinquenti," *Arch. di Psichiatria*, 1895, Fasc. iii.

and in the high proportion of 21 and 38 per cent. among criminals (the lower figure in each case being the percentage among women).[1] According to other observers progenism is less prevalent among criminals than among the insane and various other classes of degenerates. This is at all events indicated by the investigations of Näcke, while Camuset and others have found it prevalent among the insane, and Féré very prevalent among epileptics. Progenism appears to be an anomaly which is inherited with great persistency; it has characterised the house of Hapsburg



Arrest of Upper Jaw (*Talbot*).

for many centuries. Among some races a tendency to progenism appears to be almost normal; it is so, according to Virchow, among the Frisians; Turner, also, has pointed out that among the Australian aborigines the upper teeth fit accurately upon the edges of the lower. As this is the case also among the higher apes, it may fairly be considered an atavistic character. At the same time it may also in some

[1] *Arch. di Psichiatria*, 1898. Giuffrida-Ruggeri, "Ueber die Anomalien des Unterkiefers," *Centralblatt für Anthropologie*, heft. 4, 1899, gives a bibliography of this subject.

cases (as Näcke has pointed out) be regarded as pathological, as when it occurs in acromegaly.

In some cases, as Talbot has pointed out,[1] the large and protruding lower jaw is apparent only, being really due to arrest of development of the upper jaw; in such cases there is marked depression of the alæ of the nose, producing the impression of a hollowing out beneath the orbits; the facial angle is the real criterion in such cases.

The jaws, palate, and teeth appear to be extremely sensitive to any nervous or nutritional disturbance during the period of growth, and are moreover in close association with the cranium; it is not, therefore, surprising that anomalies of all kinds have been noted as excessively frequent in criminals. At Pontiac, Talbot found that abnormalities of the jaw generally existed among 63 per cent. of the prisoners, and at Elmira 60 per cent.

The position of the wisdom tooth among criminals has been investigated in considerable detail by Dr. Carrara.[2] He examined nearly 400 criminals of the age of 19 and upward, all belonging to Piedmont, as compared with 57 normal individuals. Comparing normal and criminal persons of the same age, Carrara found the wisdom tooth much more frequently present among normal persons. The percentage number of criminals showing no last molars is nearly quadruple that of normal individuals, according to Carrara's figures. Among normal persons, Mantegazza and Amadei place the frequency of absence of

[1] E. S. Talbot, *International Dental Journal*, February, March, April, 1897.

[2] "Sullo Sviluppo del Terzo Dente Morale nei Criminali," *Arch. di Psichiatria*, 1895, Fasc. i.-ii.

third molars as between 18 and 23 per cent. Carrara, among his criminals, finds it 33 per cent. It may be worth mentioning that Talbot, of Chicago, has found that out of 670 persons the percentage of missing third molars is still higher, *i.e.* 46 per cent., but Talbot thinks that this large percentage is due to the high proportion of neurotic and degenerate persons in his practice needing special treatment. The question, however, is not yet settled, for Ascoli subsequently criticised Carrara's results and brought forward new results of his own.[1] He points out that Carrara's subjects were mostly petty criminals who usually show few hereditary degenerative characters, and that they belonged to Piedmont, where the brachycephalic type of skull predominates and affects the form of the jaw. He has himself examined, in the prison at Ancona, 170 criminals, who belonged to all parts of Italy, and were mostly guilty of grave offences. He found that for ages above 30 only 8.8 per cent. were absolutely without the third molar, as against Carrara's 22 per cent. and Mantegazza's 42 per cent. for normal persons in Italy generally. The average was 12 per cent. as against Carrara's 33 per cent. Maltese, again, in examining a series of criminals' crania, has found anomalies of all kinds, including large lower jaws and the frequent occurrence of excessive large canine teeth.[2] It is evident that we cannot at present hope to find that any definite groups of anomalies of the jaw characterise

[1] *Arch. di Psichiatria*, 1896, Fasc. iii.

[2] *Arch. di Psichiatria*, vol. xvii., Fasc. iv., 1896. Kurella has noted great frequency of anomalies in the teeth of criminals, especially very large canines, absence of the upper external incisors, and spaces between incisors.

criminals generally, though we may possibly find that special groups of criminals are more specially characterised, that, for instance, the abnormally massive jaws are chiefly found among criminals inclined to deeds of violence, and the abnormally defective jaws among those inclined to petty criminality. Concerning the great prevalence of such anomalies generally there can, however, be no manner of doubt, and this prevalence extends to all varieties of degenerates.

The extraordinary frequency of dental as well as palatal anomalies in idiots was pointed out in England in 1860 by Ballard and Langdon Down, and they have been carefully studied of recent years by Dr. Clouston, of Edinburgh, Dr. Talbot, of Chicago, and by Dr. Alice Sollier at the Bicêtre in Paris. It is worth noting, in reference to the undeveloped teeth so frequently found by Dr. Tarnowskaia among women thieves, that Dr. Sollier found abnormally small teeth in 13 per cent. of her idiots. Among the insane dental anomalies are comparatively rare.

There seems reason to believe that the prevalence of these anomalies of degeneracy widely varies in different countries. This is the conclusion reached by Talbot, who has examined the jaws and teeth in most of the countries of Europe. He visited various institutions for the defective classes—prisons, asylums, schools for idiots, reformatories, etc.—in Athens, Constantinople, Vienna, Moscow, Stockholm, Hamburg, Amsterdam, Paris, and England. The result was to show a gradual increase in degeneracy from Greece to England, deformities being, moreover, more numerous in the private institutions for the better class than in public institutions. Previous investigations made by Talbot in Spain, Italy, and Switzerland had

shown a very small percentage of deformities of jaws and teeth in these countries.[1]

A great deal of attention has of recent years been devoted to anomalies of the palate, both in criminals and in other varieties of degenerates. Such anomalies are very common, and they appear also to be very significant of slight nervous disturbances in development; they are constantly associated with other anomalies.[2]

The most important anomalies of the palate are those in which the superior dental arch is either saddle-shaped or V-shaped. There are, however, various modifications of these two forms, and the palate may be unduly high, round, or narrow. It has been claimed that some of these forms are atavistic, and the anthropoid apes show an approximation to the saddle-shape.

Clouston, who was one of the first in recent years to compare criminals with other classes of degenerates in this respect, regards palate deformity as "one of the morphological indications of a tendency to developmental neurotic diseases." He found that while among the ordinary population 40½ per cent. palates may be described as normal and typical, in acquired insanity there were only 23 per cent. normal palates, among criminals in Edinburgh 22 per cent., and among idiots only 11½ per cent.; while he found deformed palate (*i.e.*, V-shaped or saddle-shaped) in 19 per cent. of the general population, in 33 per cent. of the insane, 55 per cent. of the criminals, and in 61 per

[1] E. S. Talbot, "A Study of the Deformities of the Jaws among the Degenerate Classes of Europe," *Jour. Amer. Med. Asso.*, Feb. 1898.

[2] Féré, *La Famille Névropathique*, 1898, p. 271.

cent. of the idiots.[1] It has been argued that Clouston formed somewhat too narrow and strict an estimate of the normal, and most observers have not found so high a proportion of abnormal palates. Talbot, however, a very competent investigator, found that at Elmira V-shaped and saddle-shaped arches, complete or partial, existed among 60 per cent. of the inmates, and at Pontiac among 63 per cent.[2]

Since Stieda's monograph in the Virchow "Festschrift" the torus palatinus (or the central longitudinal bony ridge sometimes found on the palate) has attracted considerable attention. Stieda concluded that the frequency of the torus was largely influenced by race. Näcke, from an examination of 117 women and 270 men (sane and insane), believes that it may be regarded as a sign of degeneration.[3] He finds the torus in 22 per cent. of the subjects examined, and more commonly in women than in men. The frequency increases in going from the sane to the insane, and from the insane to the criminal insane; in this there is a resemblance to the other signs of degeneration. It was especially frequent in association with broad Mongoloid faces with broad palates. There was no reason to suppose any connection with syphilis, but considerable ground for concluding that there is a connection with rickets and similar disturbances of nutrition. Näcke is not able to throw any light on the question of heredity.

Kurella also made an examination of the torus palatinus. Among 153 insane criminals of Slavic and

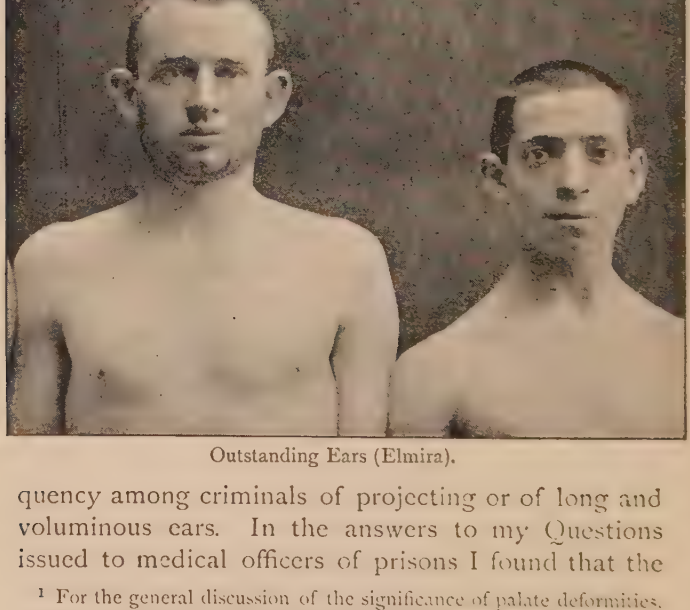
[1] Clouston, *Neuroses of Development*, 1891.

[2] E. S. Talbot, "A Study of the Stigmata of Degeneracy," *Jour. Amer. Med. Asso.*, April 9th, 1898.

[3] P. Näcke, "Der Gaumenwulst (Torus Palatinus), ein neues Degenerationszeichen," *Neurologisches Centralblatt*, No. 12, 1893.

German race he found it 26 times, or in 17 per cent. He has found it among Polish aristocratic families, apparently of Tartar descent, and regards it as an arrest of development, producing an approximation to many Mongoloid races, especially the northern Finns, among whom it is very common, and to the anthropoid apes.[1]

Even non-scientific observers have noted the fre-

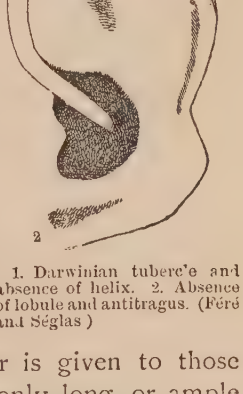


Outstanding Ears (Elmira).

quency among criminals of projecting or of long and voluminous ears. In the answers to my Questions issued to medical officers of prisons I found that the

[1] For the general discussion of the significance of palate deformities, see W. Channing, "The Significance of Palatal Deformities," *Jour. Ment. Sci.*, Jan. 1897, and Talbot's valuable work on *The Etiology of Osseous Deformities of the Jaws, Head, and Face*. See also E. Goodall, "An Exact Method of Recording Deformities of the Hard Palate," *Jour. Ment. Sci.*, Oct. 1897.

prominent ears of criminals were more generally recognised than any other abnormality. Thus Dr. V. Clarke says—"The largely developed external ear is a common feature;" others speak of "ears often large and outstanding," etc. In 1862 Mitchell had noticed such ears as common among idiots in Scotland.[1] Lombroso finds the ear *ad ansa*, as he calls it—the handle-shaped ear—in 28 per cent. of his criminals; Knecht in 22 per cent.; Marro not more frequently than among ordinary people. Ottolenghi, who has recently examined the ears of nearly 600 criminals and of 200 normal persons, finds that while among the latter it is found in 20 per cent., among the former it is found in 39 per cent., the percentage varying from 35 among thieves to 42 among those convicted of assault and wounding. This observation is indeed by no means of recent date. In reading lately that curious treatise of mediæval physiology, Michael Scott's *De Secretis Naturæ*, I found that a very bad character is given to those persons whose ears are uncommonly long, or ample transversely; they are bold, vain, foolish, incapable of work. To come down to comparatively recent times, Grohmann in 1820 noted the prominent ear as a marked



1. Darwinian tubercle and absence of helix. 2. Absence of lobule and antitragus. (Féré and Séglas)

[1] *Medical Times*, 1862, vol. i., p. 289. The outstanding ear appears to indicate arrest of development. It is normal in infancy and early childhood, and is chiefly due, Ballantyne remarks (*Introduction to Diseases of Infancy*, p. 36), to the imperfectly developed condition of the tympanic and squamoso-zygomatic portions of the temporal bone in infancy.

characteristic of the criminal. Morel studied the abnormalities of the ear, especially in relation to heredity; Foville, as Dr. Barnes informs me, was accustomed to point out their significance in the insane; and in England Laycock fully appreciated their value as indications of degeneration.[1] Dr. Langdon Down, working on the same lines as Laycock, points out in *Mental Diseases of Childhood* the frequency of congenital ear deformities in idiots and the feeble-minded, associated often with webbed toes and fingers; also an implantation of the ears farther back than is normal, giving an exaggerated facial development. In France, Italy, and Germany there has within the last ten or twenty years sprung up a considerable literature on the subject, of which Frigerio's little book, *L'Oreille Externe: Étude d'Anthropologie Criminelle* (Paris, 1888), is among the most valuable. Dr. Frigerio, who has devoted special attention to this feature both among criminals and the insane, finds certain peculiarities very common, and also notes various anomalies of movement in the pinna and its partial hyperæmia, especially in neurotic subjects. From the examination of several hundred subjects, he concluded that the auriculo-temporal angle (a measurement, however, which, as has since been shown, is not altogether precise) undergoes a gradual progression from below 90° in the normal

1 Darwinian tubercle. 2. Root of the helix dividing the concha into two distinct cavities. 3. Adherent lobule. (Féré and Séglas.)

[1] "Lectures on Physiognomical Diagnosis of Disease," *Medical Times*, 1862.

person, above 90° among criminals and the insane, up to above 100° among apes. He found the large angle very marked in homicides, less so in thieves. The longest ear Frigerio has ever seen in man or woman was in a woman convicted of complicity in the murder of her husband; the left ear was 78 mm., the right 81 mm. (the normal being 50-60 mm.) in length. Her father, her two sisters, and three cousins all possessed excessively large ears, and were all convicts. The degenerative variations to which he attributes most importance are the Darwinian tubercle —*i.e.*, a pointed projection in the outer margin of the ear—frequent among the insane and criminals, the doubling of the posterior branch of the fork of the antihelix, and a conical tragus (very frequent in childhood and among apes) often found among the insane and criminals. Féré and Séglas,[1] who examined over 1,200 subjects—healthy, insane, idiot, and epileptic—found anomalies frequent among epileptics, and especially so among idiots; but not notably more frequent among the insane than among the sane. They especially noted the number of abnormalities frequently found in the same subject; and also a connection between defects in the ear and sexual abnormalities. The committee appointed by the British Medical Association to investigate the development and condition of brain function among the children in primary schools, found that ear-defects were especially frequent in connection with nerve-defects and mental weakness.[2]

1 "Contributions à l'Étude de quelques Variétés Morphologiques de l'Oreille Humaine," *Revue d'Anthropologie*, 15th April, 1886.

2 Dr. F. Warner, "Form of Ear as a Sign of Defective Development," *Lancet*, 15th Feb. 1890.

The most common (so-called) atavistic abnormalities of the ear—*i.e.*, those most frequently and prominently seen among the anthropoid and other apes—are the Darwinian tubercle,[1] absence of one of the branches of the fork, absence of helix, effacement of antihelix, exaggerated development of root of helix, absence of lobule. Adherent lobule may frequently be observed in well-developed individuals; it is not found among apes, and appears to have no special significance.

The projecting ear has usually been considered as an atavistic character, and with considerable reason, as it is found in many apes, in some of the lower races, and it corresponds to the usual disposition of the ear in the fœtus. Marro prefers to regard it as a morbid character because it is so frequently united with true degenerative abnormalities, and because it is not always found in the lowest human races; Hartmann, for instance, having found it frequently among the European peasants, and in Africa more frequently among Turks, Greeks, and Maltese than among the indigenous fellaheen, Berbers, and negroes of the Soudan. Among so low a race as the Australians the ear is often, I have noticed, very well shaped. At the same time the projecting ear frequently accompanies deaf-mutism, Dr. Albertotti having found it in sixteen out of thirty-three deaf-mutes.

The ear, it is well known, is very sensitive to vasomotor changes, slight changes serving to affect

[1] Schwalbe, who distinguishes five principal forms of the Darwinian tubercle, regards it as normal, and believes that with a little practice it might be discovered in nearly all ears. This may well be, but in its distinctly marked form it is certainly not normal.

the circulation visibly; so that in pale, nervous people a trifling emotion will cause the ears to blush. Galton tells us of a schoolmistress who judges of the fatigue of her pupils by the condition of their ears. If the ears are white, flabby, and pendent, she concludes that the children are very fatigued; if they are relaxed but red, that they are suffering, not from overwork, but from a struggle with their nervous systems, rarely under control at the age of fourteen or fifteen. If this kind of sensitiveness is not common among criminals, a few of neurotic temperament, as well as some lunatics, possess the power, rare among normal persons, of moving the ear.[1] Frigerio notes movements of the superior and posterior muscles, especially when touched; in apes the transverse muscle also acts. Frigerio connects this power of movement with perpetual fear, always on the lookout; many of the criminals with this peculiarity were recidivists, and three of the lunatics had delusions of persecution.

1. Forking of the root of the helix. (Féré and Séglas.)

Recent investigations have served to show the extreme frequency of anomalies of the ear among all classes of the population, and yet have on the whole made clearer the significance of such anomalies.[2] The external ear is an organ which, though it still seems to be not wholly without

[1] Galton, "Mental Fatigue," *Jour. Anth. Inst.*, 1889, p. 159.

[2] For a recent brief summary of investigations, see Féré, *La Famille Névropathique*, 2nd ed., 1898, pp. 262-267; also Talbot, *Degeneracy* (Contemporary Science Series), 1898, pp. 207-218.

use,[1] is undergoing retrogressive dissolution. It is thus very sensitive to the slightest nervous disturbance, and such nervous disturbances occur frequently in persons whom we must regard as fairly normal. But they occur much more frequently as a rule among the abnormal classes of society.[2] Thus Gradenigo, a very competent observer, having a full knowledge of the fallacies involved in over-hasty conclusions, examined several thousand persons of both sexes both among the ordinary population and among insane and criminal men and women. He found that the percentage of regular ears among men of the ordinary population was 56, among women 66, among insane men 36, among insane women 46, among criminal men 28, among criminal women 54. Thus while women always possess more regular ears than men, both criminals and insane show a smaller proportion of regular ears than the ordinary population, and criminals come out below the insane. Gradenigo also pointed out the important fact, not always sufficiently emphasised, that the ear anomalies of the criminal and insane are not only greater in number but of greater gravity than those found in the ordinary population.[3] Thus while no one would follow the scornful advice of a foolish critic of criminal anthropology to call a man a criminal because of the shape of his ear, yet the shape of the ear still has real significance.

[1] Some experiments of Féré's indicate that malformations of the ear necessarily modify audition in some degree (*Comptes Rendus Soc. de Biologie*, 6th June, 1896).

[2] Talbot ("The Degenerate Ear," *Jour. Am. Med. Ass.*, 11th and 18th Jan. 1896) finds that some ear anomalies occur more frequently in normal persons than in the degenerate classes. On the whole, however, the statement in the text may be accepted.

[3] Gradenigo, *Arch. di Psichiatria*, 1890, Fasc. iii.-iv.; 1892, Fasc. i.

The criminal nose has been measured and studied with great care and enthusiasm by Ottolenghi.[1] He finds that the criminal nose in general is rectilinear, more rarely undulating, with horizontal base, of medium length, rather large and frequently deviating to one side, and he describes several varieties. Thus the typical thief's nose is rectilinear, often incurved, short, large, and often twisted, with lifted base. The sexual offender presents the most rectilinear nose, though he shows the undulating profile of nose more frequently than any other group of criminals, of medium length and rather large. Ottolenghi believes that his observations help to show, both in the skeleton and in life, an anatomical relationship between criminals against the person and epileptics and monomaniacs; also a relationship between thieves and sexual offenders and cretins. His observations are full and interesting, but the matter needs further investigation; the anthropological importance of the nose has scarcely yet been fully realised.

Most writers on criminals speak of the pallor of the skin; this has been noted at a very remote period by Polemon, l'Ingegneri, and other early physiognomists. Marro has found it in 14 per cent. of his criminals, as against 3 per cent. among the ordinary population. He considers that it is related to habitual cerebral congestion. Pallor is also caused (as Colajanni points out, and testifies to from personal

[1] See his paper, "Lo Scheletro e la forma del naso nei criminali, nei pazzi, negli epilettici e nei cretini," in the *Archivio di Psichiatria* for 1888, Fasc. i.—Professor Héger, in a communication to the Société d'Anthropologie of Brussels, remarks that he is able to confirm many of Dr. Ottolenghi's conclusions with reference to the nasal aperture in the cranium, by examination of the skulls of Belgian murderers.

experience) by prolonged imprisonment, even under favourable circumstances. It is probable that the influence of this cause has not yet been eliminated with sufficient care.

Ottolenghi has investigated the wrinkles on the faces of 200 criminals as compared with 200 normal persons. He finds that they are much more frequent and much more marked in the criminal than in the non-criminal person, and this must have struck many persons who have seen a large number of criminals or photographs of criminals. The relative frequency is especially marked in zygomatic and genio-mental wrinkles, while the foreheads, even of youthful criminals, and when the face is in a state of repose, sometimes present a curiously marked and scored appearance. The precocity of these wrinkles is worthy of note. "We found young criminals of fourteen," Ottolenghi remarks, "with wrinkles more evident and marked than are met with in many normal men above thirty. It is these precocious wrinkles which give to young criminals that aspect of premature senility which Lombroso and Marro have already noticed." "It is worthy of note," he remarks also, "that the part of the face which, by the prevalence of wrinkles, shows more active expression in criminals as in other degenerated persons, is that corresponding to the region of the nose and mouth—that is to say, the less contemplative, more material, part of the face; and, in fact, we see that, with the exception of some murderers, who have a surly look and corrugated forehead, the typical delinquent presents habitually in the more rational and contemplative part of his face the least degree of active expres-

sion, this corresponding to his limited psychical sensibility."

§ 3. *Anomalies of the Hair.*

The beard in criminals is usually scanty. As against 1.5 per cent. cases of absence of beard in normal persons, Marro found 13.9 per cent. in criminals, and a very large proportion having scanty beard. The largest proportion of full beards among criminals was found by Marro in sexual offenders.

On the head the hair is usually, on the contrary, abundant. Marro has observed a notable proportion of woolly-haired persons, a character very rarely found in normal individuals. The same character has been noted among idiots. In contrast with what is found among the insane, baldness is very rare. Among criminal women remarkable abundance of hair is frequently noted, and it has sometimes formed their most characteristic physical feature, accompanied by an unusual development of fine hair on the face and body. Salsotto, who has given special attention to criminal women, finds a considerable distribution of hair between the pubes and the umbilicus (as in men) in 10 per cent. of the forty women he examined as to this character; such distribution among normal women only occurring (according to Schulze) in 5 per cent. cases. Salsotto also found abundant hair in seven out of the forty around the anus, a part in normal women rarely supplied with hair. The excess of down on the face is found with special frequency in women guilty of infanticide. It is worth while pointing out that (as Dr. Langdon Down notes) there are frequent

anomalies in the development of hair among idiots. Some are hirsute over the entire body; 11 per cent. have continuous eyebrows.

This abundance of hair seems to be correlated with the animal vigour which is often so noticeable among criminals. It may at the same time be to some extent explained by arrest of development or atavism leading to the deficiency of beard which in its fully developed form marks, with few exceptions, only the highest human races. Strong sexual instincts are but the effervescence of this animal vigour; hence, perhaps, the connection between the presence of an unusual amount of hair and infanticide. In the case selected by Bucknill and Tuke as a typical example of insanity in women due to repressed sexual instinct, the chief physical characteristic noted was the amount of hair on the body; and in a case recorded by Dr. H. Sutherland (*West Riding Asylum Reports*, vol. vi.) of a girl whose illness and subsequent death were in his opinion due to "unsatisfied sexual desire," the long fair hair, which she delighted in letting flow down to her knees, was specially noted. It was observed of the French writer, Restif de la Bretonne, of whose extraordinary and abnormal sexual proclivities, even at an early age, he has himself left ample evidence in his autobiographical book, *Monsieur Nicolas*, that his body was remarkably hairy.

In regard to colours, the proportion of dark-haired persons is considered greater among criminals than among the ordinary population in England, Italy, and Germany. An exception to this general rule in the case of sexual offenders (rape and pæderasty) appears to be well marked in Italy; though, so far

as I have been able to ascertain, it has not been frequently observed in England. Marro associates the fair hair of sexual offenders with the precocious puberty of fair-haired women, as shown by the investigations of Professor Pagliani. The researches of Marro and Ottolenghi over a very considerable field give the following results for North Italy:—

	Chestnut Hair.	Fair.	Black.
Normal persons (900)	90.78 per cent.	9.22 per cent.	—
Criminals (1620)	93.83 ,,	6 17 ,,	—
Sexual offenders (100)	81.85 ,,	16.67 ,,	1.48 per cent.

Ottolenghi notes that the prevailing fair colour is reddish.[1]

Grey hair was found by Ottolenghi to be vastly more frequent at an early age among ordinary working men and peasants than among the 200 male criminals he examined: thus, between the ages of 30 to 33 it was 60 per cent. for the former, only 12 per cent. for the latter. This does not hold true for criminal women, who become grey more quickly than ordinary women. The male criminal in this respect resembles the epileptic, and especially the cretin, in whom grey hair is seldom seen. Baldness, Ottolenghi shows, is very rare (as Baer also found) in the criminal, in relation not only to the normal man

[1] Almost as well marked as this tendency to fair hair among Italian sexual offenders—which possibly may be a question of race—is the predominance of blue eyes. Ottolenghi, who considers it as one of the most constant characters of the class, gives the following figures:—

	Blue.	Brown.	Greenish.
Normal persons	29.04 per cent.	63 91 per cent.	7.05 per cent.
Criminals	35.80 ,,	59.50 ,,	4 70 ,,
Sexual offenders	49.60 ,,	45.76 ,,	4 64 ,,

Bichromatism (irregular colouring) of the iris is also found with unusual frequency in this class of offenders.

but even to the epileptic and the cretin. In this respect the criminal differs greatly from the ordinary professional man, in whom baldness is frequently found.[1]

To the existing statistics of the colour of hair among criminals, taken as a whole, it is not possible at present to attach much value. There is no uniform system of description and nomenclature; it is difficult to make full allowance for ethnic divergence, and there rarely exists an adequate standard of comparison for the normal persons of corresponding race. Of 129 persons "wanted" at Scotland Yard, I find that 45 have "dark brown" hair, and of these 17 are described as "dangerous," "desperate," "expert," or "notorious"; 46 have "brown" hair, and of these 14 are "dangerous," etc.; 11 are "dark" or "black," and of these 3 are "dangerous"; 27 are "light brown," "fair," "auburn" (only 1), "red" (only 1), and of these 9 are "dangerous," etc. These figures are too small to show much, though they may be said to confirm the statement of Baer and others as to the rarity of red hair among criminals. They give, indeed, a proportion of red-haired persons about the same, according to my observations, as is found among middle-class men in the city, but considerably lower than is found, according to Dr. Beddoe, the chief authority on this subject (in his *Races of Britain*), among the lower classes in London—*i.e.*, about 4 per cent. This is the class from which the criminals in question were chiefly drawn, but they do not exclusively belong to London; many come from the northern towns, and in many of these, Leeds, for

[1] Ottolenghi, "La canizie, la calvizie e le rughe nei criminali," *Archivio di Psichiatria*, 1889, Fasc. i.

instance, according to my observations, the proportion of red-haired persons is decidedly larger than in London, and certainly not smaller.

Of recent years Dr. Beddoe[1] has re-investigated the question of hair colour among the British population, with special reference to the data furnished by a series of *Police Gazettes*. For the various groups he calculates his index of nigrescence, which shows the proportion of dark-haired people by a formula thus constituted: (2 black + dark brown) − (red + fair) = index. The final report of the Anthropometric Committee of the British Association showed among 3000 English criminals an excess of 10 per cent. of dark hair with dark eyes over the general population, while among lunatics it showed an excess of fair eyes and hair; it further showed the following differences in hair and eye colour between the normal and abnormal classes of the population :—

	Index of nigrescence.	Proportion of light eyes.
General population	+ 1.0	66.2
Criminals in prison	+ 8.3	56.4
Lunatics in asylums	+ 5.1	66.9

These figures indicate, as so many other comparative investigations show, that criminals are more abnormal even than the insane. Beddoe incidentally shows that the love of horses and cattle is associated with very fair complexion, the index of nigrescence of 300 English grooms being −5.30, and of 72 butchers −6.90, while English tailors and shoemakers are very dark, 425 having an index of nigrescence of +13.4. He finds that deserters from the army—a drunken, unstable, insubordinate class—are largely

[1] J. Beddoe, "Selection in Man," *Science Progress*, Jan. 1897.

blonde and of full stature, while the typical violent criminal is dark, and the typical sexual offender, again, is fair.

So far as exact evidence on the colour of the hair goes, it points chiefly to a relative deficiency of red-haired persons among criminals. This may perhaps be accounted for. There seems to be a lessened power of resistance to disease among persons of brilliant pigmentation. The extensive anthropological statistics of the American War showed a very marked inferiority on the part of fair persons. These statistics have been criticised by De Candolle, who believes, however, that even with deductions they may probably still be accepted. These red-haired people, with their "sanguine" temperament of body, are peculiarly susceptible to zymotic disease; they take scarlet fever, for instance, very easily, and suffer from it severely. Among the manifold risks of a criminal life the brightly pigmented person, with his sensitive vascular system, seems to be soon eliminated.

§ 4. *Criminal Physiognomy.*

The science of physiognomy is still in a vague and rudimentary condition, although the art has long been practised with more or less success. There are, for instance, a large number of proverbs in which some of the most recent results reached by the criminal anthropologists of to-day were long ages back crystallised by the popular intelligence. Such are the Roman saying, "Little beard and little colour; there is nothing worse under heaven;" the French, "God preserve me from the beardless man;" the Tuscan, "Salute from afar the beardless man and the bearded

woman;" the Venetian, "Trust not the woman with a man's voice."

Many of the old physiognomists, especially the two greatest, Dalla Porta and Lavater, tell us how they immediately recognised criminals, although they sometimes ludicrously failed; and Lavater once mistook the portrait of an executed assassin for Herder's. A criminal anthropologist of to-day, Professor Enrico Ferri, declares that out of several hundred soldiers whom he examined, he found one, and one only, whom his face declared to be a murderer; he was told that this man had, in fact, been found guilty of murder.[1] Garofalo, the Neapolitan jurist, observes that he is scarcely deceived twice out of ten times. Nor is this acuteness of perception by any means confined to skilled observers. It is very commonly found among women. Many persons, on first meeting an individual, are conscious of an unfavourable impression which they succeed in out-living, but which is subsequently justified. Sometimes the revealing glance is found, perhaps with a shock of horror, in a face already familiar. It is a mistake to attempt to stifle such instinctive impressions as irrational. They are part of the organised experiences of the race, and, subject to intellectual control, they are legitimate guides to conduct.

Professor Lombroso tells us that his mother, who

[1] More recently (*Omicidio*, 1895, p. 170), Ferri has recorded that when going with a group of students of the University of Rome to examine a number of juvenile petty offenders secluded for so-called "paternal correction," he was struck by the appearance of one who had large canine teeth, and pointed him out to the students as presenting the type of the "born murderer." He afterwards ascertained that this boy had actually murdered his little brother, and was only provisionally confined with the other youths.

had always lived far from the world, was twice able to discover the criminal character of young people whom as yet no one had suspected. A more curious example, he goes on to remark, occurred in connection with the murderer Francesconi. There was nothing remarkable about him, nothing to indicate ferocity or a temper unlike that of other people; his beard was abundant and forehead high; one just perceived a slight degree of prognathism and some prominence of the frontal eminences. Yet years before his crime, a young girl of sixteen (afterwards the Countess della Rocca), who had never quitted the paternal home, and had no experience of life, refused to speak to him when every one welcomed him on account of his wit. When asked why she treated him as though he were a scoundrel, she replied: "If he is not a murderer he will become one." When Lombroso afterwards asked her by what sign she was guided to this too speedily verified prophecy, she replied: "By his eyes." Lombroso once asked an intelligent schoolmistress to submit to thirty-two young girls twenty portraits of thieves and twenty of great men. Eighty per cent. of these children recognised the first as bad people, the second as good. On another occasion he showed two hundred photographs of youths to three medical men, and they all selected one as of the criminal type; a little girl of twelve also selected the same. This youth had never appeared in a court of justice, but he had cruelly betrayed those who had assisted him to obtain a good position in life. He was not legally a criminal, but, as Lombroso remarks, he was so anthropologically.

Beautiful faces, it is well known, are rarely found

among criminals. The prejudice against the ugly and also against the deformed is not without sound foundation. What Hepworth Dixon wrote in 1850 on this point is still of general application in all civilised countries:—"The population of Millbank is always numerous and always changing; but its character remains substantially the same. Year after year the visitor might drop in and see no difference. There is a certain monotony and family likeness in the criminal countenance which is at once repulsive and interesting. No person can be long in the habit of seeing masses of criminals together without being struck with the sameness of their appearance. A handsome face is a thing rarely seen in a prison; and never in a person who has been a law-breaker from childhood. Well-formed heads, round and massive, denoting intellectual power, may be seen occasionally, but a pleasing, well-formed face, never."

In looking through the large number of photographs in Lombroso's great work, *L'Uomo Delinquente*, very few pleasant faces can be found. The two or three attractive ones are those of women in whom the glow of youth, plumpness, and abundant hair serve as a disguise to features that will scarcely bear examination. The proportion of good-looking faces among the excellent photographs in Inspector Brynes' *Professional Criminals of America*, is much larger. As the former chief of the Detective Department of New York, who, however, distinctly recognises a criminal type of face, remarked to a visitor: "Look through the pictures in the Rogues' Gallery and see how many rascals you find there who resemble the best people in the country. Why, you can find some of them, I daresay, sufficiently like personal acquaintances to

admit of mistaking the one for the other." Those, however, belong to the aristocracy of crime; they are criminals by calculation; they have achieved a certain amount of success, and a passable face is part of their stock-in-trade. Yet even among these the proportion of faces that will bear examination is by no means large.

Émile Gautier, who was with Prince Krapotkine in the Lyons prison, remarks that he is not acquainted with the anatomical peculiarities of criminals, but that he knows that prisoners are not like the rest of the world. "Their cringing and timid ways, the mobility and cunning of their looks, a something feline about them, something cowardly, humble, suppliant, and crushed, makes them a class apart. One would say, dogs who had been whipped; hardly, here and there, a few energetic and brutal heads of rebels."

A curious fixed look of the eye has often been considered a characteristic mark of, more especially, the instinctive criminal, a mark which cannot be disguised. "I do not need to see the whole of a criminal's face," said Vidocq, "to recognise him as such; it is enough for me to catch his eye." Lombroso finds that the eyes of assassins resemble those of the feline animals at the moment of ambush or struggle; he has often observed it when the man has been making a muscular effort, as in compressing a dynamometer. Sometimes this feline and ferocious glance alternates with a gentle, almost feminine gaze; this combination giving them a strange power of fascination which has often been exercised on women.

Insistence on the feline aspect is very frequent among those who describe criminals. Thus, for

instance, Professor Sergi:—"I have had occasion lately to observe a homicide, aged fifteen, who three months before committing this murder had attempted another, and at another time showed his ferocious nature by attacking a cow with a bill-hook and wounding it in several places. He has been condemned to eleven years' imprisonment, is well developed for his age, and apparently has no morphological abnormalities, but he is prognathous, his nose is depressed, and all the lower part of the face, from the upper jaw down, has a savage cast. What most distinguishes him is his look; his eye is cruel and feline in the true sense of the word. Reserved, taciturn, even when he was free, now that he is in prison he has the appearance of a wild beast, the glance of a tiger."

An interesting point in connection with the criminal physiognomy is that it is to a large extent independent of nationality. The German criminal is not very unlike the Italian, nor is the French unlike the English criminal. M. Joly remarks, "I should say that in M. A. Bertillon's office I was shown nearly sixty photographs of Irish, English, and American thieves. It would have been difficult in many cases to discern the Anglo-Saxon rather than any other physiognomy."

There is, in the opinion of many of the Italian criminal anthropologists, a special physiognomy for different crimes, though this statement is qualified by the well-known fact that quite different crimes may be committed by the same person. Dr. Marro, in his *Caratteri dei Delinquenti*, describes no fewer than eleven different classes of criminals, though the distinctions are not all physiognomical. Professor

Lombroso's descriptions are however the most vigorous and picturesque, though it is scarcely possible to receive them without qualification.[1] Thieves he describes as frequently remarkable for the mobility of their features and of their hands; the eyes are small and restless. In those guilty of sexual offences Lombroso finds the eyes nearly always bright; the voice either rough or cracked; the face generally delicate, except in the development of the jaws, and the lips and eyelids swollen; occasionally they are hump-backed or otherwise deformed. Sometimes in incendiaries Lombroso has noted a peculiar delicacy of the skin, an infantile aspect, and abundance of hair, occasionally resembling a woman's. The eye of the habitual homicide is glassy, cold, and fixed; his nose is often aquiline, beaked, reminding one of a bird of prey, always voluminous; the jaws are strong; the ears long; the cheek-bones large; the hair dark, curling, abundant; the beard often thin; the canine teeth much developed; the lips thin; nystagmus frequent; also spasmodic contractions on one side of the face, by which the canine teeth are exposed. The forger and sharper, on the other hand, has frequently a singular air of *bonhomie*, a kind of clerical appearance, which is indeed necessary in his business, because it inspires confidence. Some have angelic faces; others are small, pale, and haggard. The poisoner also frequently has a peculiarly benevolent aspect. "In general," Lombroso concludes, "born criminals have projecting ears, thick hair, a thin beard, projecting frontal eminences, enormous jaws, a square and pro-

[1] Näcke, after visiting the Neapolitan prisons, remarks that he understood for the first time the emphasis laid by Lombroso on physiognomy; such strongly marked criminal types are rare outside Italy.

jecting chin, large cheek-bones, and frequent gesticulation. It is, in short, a type resembling the Mongolian, or sometimes the Negroid."

It is very interesting to compare this concluding remark with some observations made by Dr. Langdon Down, who has carefully studied and endeavoured to classify the facial characteristics of idiots. Dr. Down finds a resemblance between feeble-minded children and the various ethnic types of the human family; he specially refers both to a Mongolian and a Negroid type. Just as Professor Lombroso finds the Mongolian type most common among his criminals, so Dr. Down finds it most common among his idiots: "more than 10 per cent. of congenital feeble-minded children are typical Mongols. Their resemblance is infinitely greater to one another than to the members of their own families." Their characteristics are very marked: the hair is brownish (not black, as in the Mongol), straight, and sparse, the face flat and broad, the cheeks rounded and widened laterally, the eyes obliquely placed, and the fissure between the eyelids very narrow, the forehead wrinkled transversely, the lips large and thick, the nose small, the skin tawny. In Dr. Down's Negroid type of idiot there are characteristic cheek-bones, prominent eyes, puffy lips, retreating chins, woolly but not black hair, and no pigmentation of skin. These points of resemblance are of considerable interest if we are of opinion that the instinctive criminal is best defined as a moral idiot.

As to the causes and indelibility of the criminal expression there is much divergence of opinion. Certain writers have spoken too incautiously on this point. Thus Professor Sergi, in the description

of the homicidal lad, already quoted in part, goes on to remark: "In him nothing is acquired, everything is congenital." And Maudsley, in a sombre and powerful description of the criminal physiognomy which has often been quoted, speaks of it as branded by the hand of nature. "Everything is congenital," says Professor Sergi; yet we rarely hear of a baby who looks round from its mother's breast with fierce and feline air. We have to distinguish between the anatomical physiognomy and the expression or *mimique*. To the ordinary observer the latter is far more striking; he notices at once if a countenance is sad or merry, angry or good-tempered, cowed or elate; he does not so readily observe the shape of the jaws, or the cut of the ears, or the lines of the forehead, yet such marks as these are alone strictly organic and can safely be called congenital.

M. Joly cites some interesting examples of discrepancy in the descriptions of the same criminal under varying conditions, even when the descriptions are the work of good observers. Some years ago a youth of nineteen, named Menesclou, was executed for having violated and killed a little girl, whom he afterwards cut up and burnt. A journalist on the staff of the *Figaro*, whose reports are considered very exact, thus described him at the trial:—"Imagine a sort of abortion, bent and wrinkled, with earthy complexion, stealthy eyes, a face gnawed by scrofula, of cunning, dissipated, and cruel aspect. The forehead is low, the beard sparse and slovenly; the hair, black and thrown backwards, reaches to the shoulders; it is a head absolutely repulsive." On the other hand, the chaplain of the prison, the Abbé Crozes, thus wrote:—"Menesclou by no means resembles the

portraits which the journalists have drawn of him. Far from being repulsive, hideous, repugnant, he had a sympathetic and prepossessing physiognomy, the air of a young man who has been well brought up, a gentle, honest, *naïve* face; he looked, to me, like a page in a good house."

In another example the varying descriptions have the advantage of being written by the same person, the Abbé Moreau, successor to the Abbé Crozes as chaplain to the Roquette Prison, and author of the valuable and interesting book, *Le Monde des Prisons*. "At the trial of Campi," he wrote, "I had only perceived a coarse demoniac, brutal, cynical, making violent repartees. His repellant head was photographed on my memory; a slovenly beard framing a yellow, bilious face, the muscles of a beast of prey, and, lighting up the livid features with sinister gleam, two small piercing mobile eyes, of a ferocity which I could scarcely bear to see. Campi left on me the most melancholy impression; his head had appeared to me enormous; his shoulders of extraordinary breadth." Here is another portrait by the same hand of Campi as he appeared in prison:—"I had now before me a young man of ordinary size, slim rather than broad, with a calm face lighted by a good-natured smile; the eyes had lost their ferocity. He approached me with a certain timidity, holding his cap in his hand; and waited respectfully until I spoke to him."

It is clear that several factors go to make up our impressions of physiognomy. It is well known that it is difficult to estimate the dimensions of an individual seen alone at a distance, whether a criminal at the bar or an actor on the stage. An actor off the stage is as commonplace as a criminal in the streets.

Add to this the horror of the spectator, to whose mental vision the crime is present, and the probable perturbation of the criminal whose fate is being argued. Would the conscientious reporter of the *Figaro* have written such a description had he simply met Menesclou as a stranger in the streets? And would the worthy Abbé's impression of Campi have changed so greatly if the latter had not, when in complete command of himself, chosen to appear in an attitude of respectful humility?

In the Middle Ages there was a law by which, when two persons were suspected of a crime, the ugliest was to be selected for punishment. At the present day judges are, consciously or unconsciously, influenced by physiognomy, and ordinary human beings, who also in a humble way sit in judgment on their fellows, are influenced in the same manner. The modern criminal anthropologists, with all their minute and patient investigations, have not yet, however, succeeded in making criminal physiognomy a very exact science, and the more criminal amongst us may still find consolation in the reflection that there are no unfailing criteria by which our crimes may be read upon our faces.

§ 5. *The Body and Viscera.*

The Anthropometric Committee of the British Association for the Advancement of Science, examining over 3000 criminals, found them about 2 in. shorter and 17 lb. lighter than the average English population. Baer found among some 4,500 adult Berlin criminals that the average height was 166 cm.;

according to the measurements of Daffnyr, this is the average height of German boys between the ages of 16 and 17.[1] Quetelet, Raseri, and many others have found that young offenders are below normal height. Hamilton Wey found that at Elmira the average height of 529 men of an average age between 21 and 20 was 5 ft. 5½ in., the average weight was 133 lb., lung capacity 202 cub. in., strength of chest 69 lb., of back 270 lb., of legs 375 lb.[2] In all these respects the average inmate of Elmira is far below the average American man of the same age; in height he is even below the average American girl-student (Wellesley College), and in the other measurements he is little if at all superior to the girls.

In Italy Lombroso and others have found a tendency among criminals to be taller and often heavier than the normal population; the same tendency has been found among youthful Italian criminals. In most countries, however, and certainly in England and the United States, although a certain section of the criminal population tends to be abnormally large and heavy, the general tendency is in the opposite direction. The apparently conflicting evidence is clearly due to the pathological deviations existing in both directions. Thus a French army surgeon, Dr. J. Marty, has published the results of his investigations of criminality among 4,500 French soldiers, usually only guilty of somewhat petty offences. He compares his results throughout with the measurements

[1] Daffnyr, *Wachsthum des Menschen*, p. 45. In Elsass-Lothringen, according to Schwalbe, the average height of the normal population is exactly 166 cm.; the Prussians are, however, a tall race.

[2] *Year Books, New York State Reformatory*, for 1895 and 1896.

obtained among 10,000 non-criminal French.[1] As regards height, he finds that there is an excess among the criminals both of short statures and tall statures, the medium statures being deficient. The general average is a few millimetres below the normal. As regards weight, he confirms those observers (Lombroso, Franchini, Bischoff, etc.) who find that criminals are somewhat heavier. As regards chest circumference, the same result is reached as regards height; large and small circumferences are unusually frequent, medium circumferences unusually defective. Somewhat the same result is reached as regards general health and constitution; "very good constitutions" are only 11 per cent. of the normal corps as against 19 per cent. of the criminal battalion; the "good" also are 49 per cent. of the first as against 62 of the second; while the "fairly good," on the other hand, are 30 per cent. of the normal corps and only 14 per cent. of the criminal battalion, and the feeblest class are 1.5 of the normal and 2.5 of the criminal men. The author endeavours to account for this result by the theory that in the bad social conditions which produce criminals only the strongest can survive.

It may be noted that Bohannon, in a digested report of over 1000 exceptional American children, found that while pathological cases occur among exceptionally large children, it is the exceptionally small children who form the most strongly pathological class; among them there is a very marked proportion of cases showing degeneration; they were often delicate, or could not speak, or ugly, deformed,

[1] "Recherches Statistiques sur le Développement Physique des Délinquants," *Archives d'Anthropologie Criminelle*, 15th March 1898.

vicious, mean, spiteful, though when healthy they were sometimes very exceptionally active both in mind and body.[1]

Notwithstanding their agility and spasmodic activity, the muscular system of criminals is generally feeble. Such few observations as have yet been made show that muscular anomalies are found with remarkable frequency. Thus the investigations of Guerra on the bodies of 12 normal persons and 18 criminals, showed 11 anomalous muscular conditions in the latter as against 5 in the former. Tenchini examined the bodies of 41 criminals and of 39 ordinary persons with reference to the presence of abnormalities in the vertebræ and ribs; anomalies were only found in 1 of the normal persons, but in 5 of the criminals; they were of an atavistic character.[2]

Lacassagne some years ago pointed out the remarkable length of the extended arms (*la grande envergure*). Although many observers refer to this peculiarity, and in many isolated cases it is marked and doubtless connected with the agility of criminals, as among some lower races and the apes, I am not acquainted with any extended series of observations in which criminals and normal persons are fairly compared in this respect. Marro's series, although the normal persons are in too small number, as he himself points out, is as reliable as any, and does not in the average show any preponderance of long-armed individuals among criminals. There is, however, reason to believe that individuals with exceptionally long arms are more often met with among criminals.

[1] Bohannon, "The Study of Peculiar and Exceptional Children," *Pedagogical Seminary*, October, 1896.

[2] *Sulle varietà numeriche vertebro-costali nell' uomo*, Parma, 1889.

"Among the inmates of the Elmira Reformatory," remarks Dr. H. Wey, "the greatest physical deficiency and least resistive power is found in the respiratory apparatus. Pigeon-breasts, imperfectly developed chests, and stooping shoulders abound. During a period of eight years, with 26 deaths, 13, or 50 per cent., were from diseases of the chest, not including affections of the heart." The great frequency of tuberculosis among criminals has everywhere been observed; it is worth noting in this connection, that no nervous disorder is so often associated with tuberculosis as idiocy; even in insanity it is not nearly so common. It is not therefore surprising to find that deformities of the thorax predisposing to lung disease are extremely common among criminals as well as among other classes of degenerates.[1]

Gynecomasty is comparatively common among criminals. In answer to my Questions, a prison surgeon wrote in 1888: "Many men have large nipples and large, well-marked areolæ. This is often very remarkable." This is perhaps the earliest observation of a condition since frequently noted in criminals. Laurent, in the Paris hospitals, did not meet with a single case in five years. In a prison he found five cases in the course of one year.[2] Dr. Wey has repeatedly noticed gynecomasty at Elmira at the period of adolescence, generally lateral, sometimes bilateral, and "ranging from a rounded development of bust and prominent nipples, sur-

[1] See, *e.g.*, Kurella, *Naturgeschichte des Verbrechers*, p. 95; and Féré, *La Famille Névropathique*, 2nd ed., pp. 275 *et seq.*

[2] E. Laurent, *Les Habitués des Prisons*, p. 194; also the same author's elaborate study, *Les Bisexués Gynécomastes et Hermaphrodites*, 1896.

PLATE X.

rounded by a deeply pigmented areola, to well-defined mammary glands that have periodic seasons of congestion and attempts at functional activity," sometimes accompanied by the secretion of an opaque fluid and a sensation of fulness and weight in the region of the nipple.[1]

It may be added that gynecomasty, though mentioned by the ancients (Paulus Ægineta, Albucasis, Aristotle, etc.), has only begun to be carefully investigated during the last twenty years. It generally begins at puberty, and may even be chiefly notable at that period; it is sometimes, as Laurent pointed out, associated with atrophy of the genital organs, and a general tendency to feminism; this is, however, by no means constant. It does not appear that there is any real histological resemblance to the female secreting breast; Stieda considers that the condition depends chiefly on a hyperplasia of the normal connective tissues of the male breast.[2] It is noteworthy that in all true negroes (in whom virile development is otherwise marked) there is a considerable development of the male breast, so that Johnston has frequently asked himself, "Is it a man or a woman?"[3]

Sergi has constructed an ileo-pelvic index, obtained by multiplying the transverse diameter of the pelvis by 100 and dividing by the distance between the iliac crests; this index is about 46.5 in normal male European adults; it is lower in children and in many savages, and higher in women. Tenchini, who examined 57 pelves of adult criminals, all well con-

[1] H. Wey, National Prison Association, Cincinnati, 1890; also, *Seventeenth Year Book, New York State Reformatory*, 1893.

[2] *Beiträge zur Klin. Chir.*, Bd. xiv., Heft. 1.

[3] Sir H. H. Johnston, *British Central Africa*, p. 398.

formed, found that in only three cases the index reached 46.5, while in the great majority it was below 44; this is nearly the same index as that found among children and boys, and indicates a tendency to infantilism, which, Tenchini remarks, is also suggested by the observation of the entire skeletons.[1]

Flat-foot has been found very common among criminals. Among over 500 men at Elmira, it was found that the arch was unusually low in 19 per cent., while 23 per cent. were "absolutely flat-footed, congenitally so and not through traumatism."[2]

Heart disease is sometimes said to be common among criminals, though at Elmira Hamilton Wey finds that it is chiefly functional disease. Out of 54 examined by Flesch, 20 per cent. died of heart disease, 50 per cent. showed affections of the heart. Valvular insufficiency and cardiac atrophy seem to be remarkably prevalent. Penta found endarteritis and atheroma in 82 of his 184 instinctive criminals, *i.e.* 44 per cent., although many of them were young. The condition, he says, was diffused and pronounced; 20 of these 82 showed aortic insufficiency. It may be noted that arterial anomalies are extremely frequent. Thus Guerra found 14 arterial anomalies in his 18 criminals, as against 4 in his 12 normal persons. Heart disease is also common among the insane. Its tendency to produce mental alterations has often been noted; pride, egotism, and an inclination to violence are found, especially (according to Witkowski) among those affected with ventricular hypertrophy;

[1] Sergi, "L' Indice Ilio-pelvico," *La Clinica Ostetrica*, vol. i, Fasc. iii., 1889; Tenchini, "Sull' indice ileo-pelvico dei Criminali," *Arch. di Psichiatria*, 1894, vol. xv., Fasc. iv.-v.

[2] *Elmira Year Book*, 1895.

with aortic disease, neurotic and hysterical states; with mitral disease, melancholy and attacks of violence. This is not surprising when we remember the intimate connection that subsists normally between the heart and the brain, the vascular system forming, as it were, the basis of the brain.

The sexual organs in women criminals very frequently reveal pathological conditions, and Ferrus, many years ago, told Tilt that menstruation is nearly always irregular or suppressed in female prisoners. Undescended testis has been frequently found by one of the medical officers who answered my Questions, and unusual size of penis by another. The latter condition has been found common both by Tenchini and Benedikt. Knecht found congenital phimosis 51 times and arrest of development 29 times in 1,216 criminals. It is interesting to note in this connection that Drs. Bourneville and Sollier found exaggerated development of the glans penis extremely common among the idiots at the Bicêtre, and that among 728 individuals examined they found no fewer than 262 presenting anomalies of the sexual organs, an enormous proportion when compared with the ordinary population.[1] Laurent found hypospadias and arrested development common among criminals. Marro found anomalies of genital organs most common in sexual offenders. Ottolenghi believes that "on the whole anomalies of the genital organs have in sexual offenders no small diagnostic importance, especially when united to other characters which distinguish them from the honest and from criminals in general—as the greater frequency of fair

1 "Des Anomalies des organes génitaux chez les idiots et les épileptiques," *Progrès Medical*, No. 7, 1888.

hair, of malformed ears, of bichromatism of the iris, of blue eyes, of twisted noses, of facial asymmetry, of voluminous lower jaws, and of various neuroses, especially epilepsy.[1]

It may be noted here that Marro and Ottolenghi have also studied metabolism in criminals. The chief point that comes out is an augmented elimination of phosphoric acid in the urine. The same has been observed in chronic alcoholism. These researches will, no doubt, be continued.[2]

§ 6. *Heredity.*

The detailed study of criminal heredity and of criminal habit, or recidivism, scarcely forms part of criminal anthropology. It is an important branch of criminal sociology. But the facts of heredity form part of the evidence in favour of the reality of the criminal anthropologist's conclusions, and it is not possible to ignore them here entirely. Moreover, the attitude of society towards the individual criminal and his peculiarities must be to some extent determined by our knowledge of criminal heredity.

The hereditary character of crime, and the organic penalties of natural law, were recognised even in remote antiquity. They were involved in the old Hebrew conception, which seems to have played a vital part in Hebrew life, of a God who visited the sins of the parents upon the children unto the third and fourth generation. We know also the story in

[1] Ottolenghi, "Nuove Ricerche sui rei contro il buon costume," *Archivio di Psichiatria*, 1886, Fasc. vi.

[2] Ottolenghi, "Il Ricambio Materiale nei Delinquenti-nati," *Archivio di Psichiatria*, 1888, Fasc. iv.

Aristotle of the man who, when his son dragged him by his hair to the door, exclaimed—"Enough, enough, my son; I did not drag my father beyond this." And Plutarch puts the doctrine of heredity in a shape that is both ancient and modern—"That which is engendered is made of the very substance of the generating being, so that he bears in him something which is very justly punished or recompensed for him, for this something is he." Or again —"There is between the generating being and the generated a sort of hidden identity, capable of justly committing the second to all the consequences of an action committed by the first."

There are two factors, it must be remembered, in criminal heredity, as we commonly use the expression. There is the element of innate disposition, and there is the element of contagion from social environment.[1] Both these factors clearly had their part in Sbro . . . who is regarded by Lombroso as the classical type of "moral insanity." His grandfather had committed murder from jealousy; his father, condemned for rape, had killed a woman to test a gun. He in his turn killed his father and his brother. Practically, it is not always possible to disentangle these two factors; a bad home will usually mean something bad in the heredity in the

[1] See Aubry, *La Contagion du Meurtre*, 2nd ed., 1896, chaps. I. and II. It must be remembered that we are always somewhat apt to overestimate the contagion of social environment, because it is but rarely that we can accurately study the ancestry of a criminal. The wife of the murderer Carrara, who, as the accomplice of her husband, was sentenced to penal servitude for life, was the great grandchild of General Roellant, who was nicknamed Roellant-le-Cruel by his soldiers. As we are usually ignorant of the ancestry of criminals, we can seldom trace the persistence through heredity of such organic traits.

strict sense. Frequently the one element alone, whether the heredity or the contagion, is not sufficient to determine the child in the direction of crime. A case given by Prosper Lucas seems to show this: "In November 1845 the Assize Court of the Seine condemned three members out of five of a family of thieves, the Robert family. This case presented a circumstance worthy of remark. The father had not found among all his children the disposition that he would have desired; he had to use force with his wife and the two younger children, who up to the last were rebellious to his infamous orders. The eldest daughter, on the other hand, followed, as if by instinct, her father's example, and was as ardent and violent as he in attempting to bend the family to his odious tastes. But in one part of the family the instinct was lacking; they inherited from their mother."

The influence of heredity, even in the strict sense of the word, in the production of criminals, does not always lie in the passing on of developed proclivities. Sometimes a generation of criminals is merely one stage in the progressive degeneration of a family. Sometimes crime seems to be the method by which the degenerating organism seeks to escape from an insane taint in the parents. Of the inmates of the Elmira Reformatory, nearly 12 per cent. have been of insane or epileptic heredity. Of 233 prisoners at Auburn, New York, 23.03 per cent. were clearly of neurotic (insane, epileptic, etc.) origin; in reality many more. Virgilio found that 195 out of 266 criminals were affected by diseases that are usually hereditary. Rossi found 5 insane parents to 71 criminals, 6 insane brothers and sisters, and 14

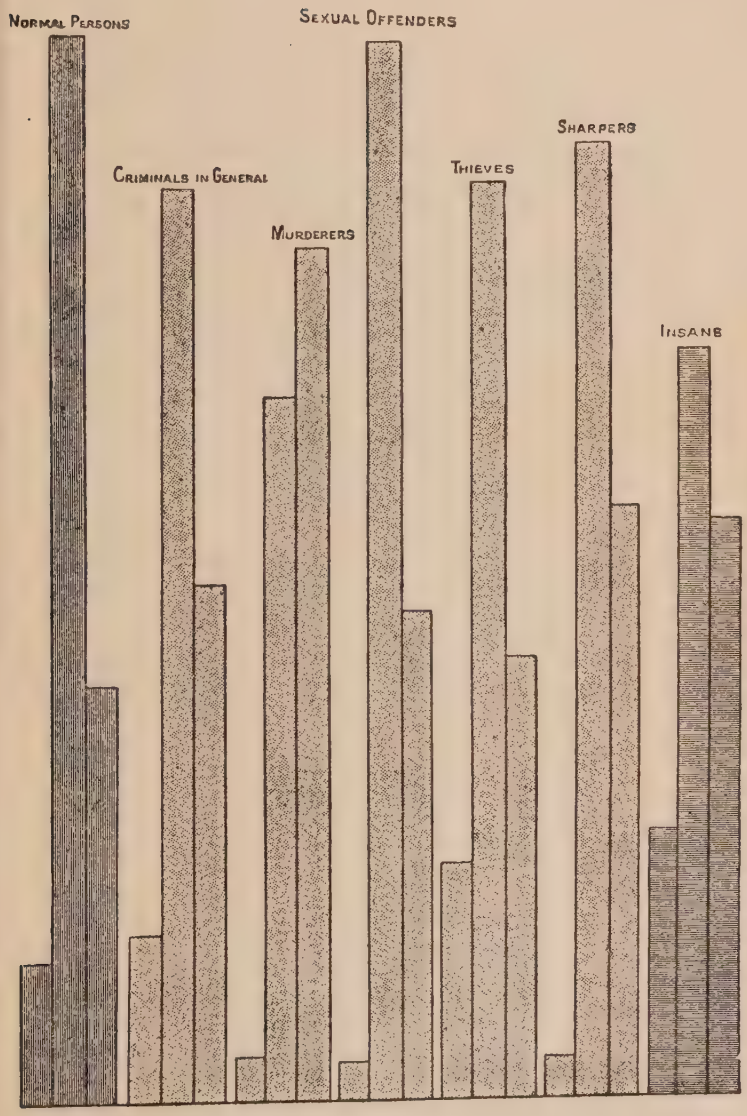
cases of insanity among more distant relatives. Kock found morbid inheritance in 46 per cent. of criminals. Marro, who has examined the matter very carefully, found the proportion 77 per cent., and by taking into consideration a large range of abnormal characters in the parents, the proportion of criminals with bad heredity rose to 90 per cent. He found that an unusually large proportion of the parents had died from cerebro-spinal diseases, and from phthisis. Sichard, examining nearly 4000 German criminals in the prison of which he is Director, found an insane, epileptic, suicidal, and alcoholic heredity in 36.8 per cent. incendiaries, 32.2 per cent. thieves, 28.7 per cent. sexual offenders, 23.6 per cent. sharpers. Penta found among the parents of 184 criminals only 4 to 5 per cent. who were quite healthy.

Even when well-marked disease is absent in the parents, exhausting and debilitating influences, age at time of conception, and overwork, may play a disastrous part. Dr. Langdon Down (*Mental Diseases of Childhood*) has shown how the same influences play a part in the production of idiocy; how, for instance, a man may during periods of strain and overwork conceive idiot children, and at other periods healthy children. Marro has made some interesting investigations into the ages of the father at the period of conception of criminals, as compared with ordinary persons and with the insane. He divided the fathers into three groups, according to age at conception: the first included those in the period of immaturity, which he reckoned as below 25 years of age; the second was the period of maturity from 26 to 40; the third from 41 onwards, the period of decadence.

Plate XI. represents in a graphic form the percentage of fathers belonging to each period in various groups; the first column in each group representing the proportion of fathers belonging to the period of immaturity, the second those belonging to the period of maturity, the third those belonging to the period of decadence. It will be seen that the largest proportion of immature parents is among the class of thieves, although among the insane the proportion is still larger. More remarkable is the abnormally large proportion of criminals with parents belonging to the period of decadence. It is most marked among the murderers, 52.9 per cent. of whose fathers had passed the period of maturity; but it is very large also, exceeding the insane among those convicted of assault and wounding (not represented in the Plate), and among sharpers. Sexual offenders have the largest proportion of mature fathers, the smallest of youthful fathers. Suspecting that among idiots a very large proportion of elderly fathers would be found, I applied to Dr. Langdon Down, who has kindly gone through the notes of one thousand cases, and confirmed this suspicion. He finds that in 23 per cent. cases there has been a disparity of age of more than ten years at the birth of the idiot child, the father in nearly every case being the elder, and that in many cases this disparity has reached more than 25 years. It appears, then, Dr. Down adds, that the disparity of age is a factor in the production of idiocy. It may be added that the elderly parent, by dying and leaving his children young and unprotected, has also a social influence in the creation of criminals.

It is interesting to compare these results with those

PLATE XI.



Relation of Age of Parents in Normal Persons, the Insane and Criminal.

of Korosi, Director of the Hungarian Statistical Bureau, on the ordinary population. He has investigated 24,000 cases, and found that the children of fathers below 20 are of feeble constitution; that fathers aged from 25 to 40 produce the strongest children, and that above 40 fathers tend to beget weak children. The most healthy children have a mother below the age of 35; the children born between 35 and 40 are 8 per cent. weaker; after 40, 10 per cent. weaker. The children born of old fathers and young mothers, it should, however, be added, are generally of strong constitution. If the parents are of the same age the children are less robust.

Such hereditary influences as these seem to have played a part in the production of that typical criminal by instinct, T. G. Wainewright, who appears to have had no criminals or lunatics among his ancestry. The often-quoted case of the criminal family, first mentioned by Despine in his *Psychologie Naturelle*, is interesting in this connection. Three brothers, the sons of one Jean Chrétien, had children and grandchildren as under—

Jean Joseph:
- Jean-François, thief.
- Bénoît.
- Claire, thief.
- Marie-Renée, thief.
- Marie-Rose, thief.
- Victor, thief.
- Victorine.——Victor, murderer.

Thomas:
- François, murderer.
- Martin, murderer——(son, thief).

Pierre—Jean-François, thief and murderer.

Nothing is told us of the man and his three sons who produced this awful brood, save that they were not themselves condemned criminals; but whatever

the influence was, it existed in all three of the brothers, who each begat murderers and thieves. It is by subtle hereditary influences, as well as by the instinctive habits of a lifetime, that we must explain the influence of criminal contagion on men of honest life and clean record. M. Émile Gautier, a political prisoner with Prince Krapotkine and a number of French working-men in the great prison of Clairvaux, has recorded an experience which is of interest in this connection. "Out of fifty political prisoners," he writes in his interesting and thoughtful impressions published in the *Archives de l'Anthropologie Criminelle* in 1888, "belonging to the average, or even the *élite*, of the working-class population of a large town like Lyons, a good half-dozen will be found who feel themselves at home in prison, and go immediately towards the criminal-law prisoners, assuming at once, in virtue of I do not know what equivocal predestination, their language, their appearance, their habits, their mental dispositions, even the same negative morality, savagery, treachery, artfulness, rapacity, and unnatural vice."

Alcoholism in either of the parents is one of the most fruitful causes of crime in the child. To the drunkenness of Jupiter when Vulcan was conceived the Romans attributed the deformity of that god; in the words of the old Latin poet:—

> "Quis nescit crudo distentum nectare quondam
> Indulsisse Jovem Junoni; atque inde creatum
> Vulcanum turpem, coelique ex arce ruendum?"

There is to-day no doubt whatever that chronic alcoholism as well as temporary intoxication at the time of conception modifies profoundly the brain and nervous system of both parent and offspring. Some

of the most characteristic cases of instinctive criminality are solely or chiefly due to alcoholism in one of the parents. When insanity and alcoholism are combined in the parents, a rich and awful legacy of degeneration is left to the offspring. Thus, one among many instances, Morel quotes a case in which the father was alcoholic, the mother insane, and of the five children one committed suicide, two became convicts, one daughter was mad, and another semi-imbecile. Carefully-drawn statistics of the 4000 criminals who have passed through Elmira, New York, show drunkenness clearly existing in the parents in about 38 per cent., and probably very many more. Out of 71 criminals whose ancestry Rossi was able to trace, in 20 the father was a drunkard, in 11 the mother. Marro found that on an average 41 per cent. of the criminals he examined had a drunken parent, as against 16 per cent. for normal persons.[1] Dawson found that among 26 boys and 26 girls in American reform schools one of the parents was a hard drinker in the proportion of a little over 80 per cent. of the boys, and 45 per cent. of the girls; while in the proportion of 19 per cent. of the boys and 8 per cent. of the girls both parents could so be described. Since such statistics, as Dawson points out, are often obtained from the parents themselves or their children, they are not liable to err on the side of exaggeration.[2]

[1] *I Caratteri dei Delinquenti.* The same author touches on the evil influence of alcoholic ancestry in *La Pubertà*, p. 239, and refers to the evidence showing that this fact was familiar to the ancients.

[2] George E. Dawson, "A Study in Youthful Degeneracy," *Pedagogical Seminary*, December 1896. With reference to the wider relationships of degenerate heredity, the literature since Morel is extensive. Reference may be made to the concise and comprehensive

Nor is it necessary that the alcoholism should be carried so far as to produce great obvious injury to the parent. The action of the poison may be slow, and carried on from generation to generation. The fathers eat sour grapes; the children's teeth are set on edge.[1]

The relation of alcoholism to criminality is by no means so simple as is sometimes thought; alcoholism is an effect as well as a cause. It is part of a vicious circle. For a well-conditioned person of wholesome heredity to become an inebriate is not altogether an easy matter. It is facilitated by a predisposition, and alcoholism becomes thus a symptom as well as a cause of degeneration. The conclusions of Dr. Crothers, who has devoted considerable study to this subject, are worthy of attention. He believes that we do not sufficiently study the origin of inebriety. His conclusions are—(1) that inebriety is itself evidence of more or less unsoundness; (2) in a large proportion of cases it is only a sign of slow and insidious brain disease; (3) when crime is committed by inebriates, the probability of mental disease is very strong; (4) using spirits to procure intoxica-

work of Féré, *La Famille Névropathique;* an article by Kiernan ("Transformation of Heredity," *Medicine*, Sept. 1897) contains the record of an extraordinarily abnormal family; summary will be found in Talbot's *Degeneracy*, chap. on "Heredity."

[1] I may here refer to a paper by Dr. W. C. Sullivan on the influence of maternal inebriety on the offspring, with illustrative cases, *Journal of Mental Science*, July 1899. Examples are here given of the influence on the offspring of conception during drunkenness. Bourneville also found that among 1,773 idiot, epileptic, imbecile, and hysterical children in the Bicêtre, not less than 154 were conceived during the drunkenness of the father, while in 43 other cases the father was drunk at the probable moment of conception (*Recherches Cliniques et Therapeutiques sur l'Epilepsie*, vol. xix., 1899, p. 202).

tion for the purpose of committing crime is evidence of the most dangerous form of reasoning mania. The crime and the inebriety are only symptoms of disease and degeneration, "whose footprints can be traced back from stage to stage."[1] It may be added that the danger of alcoholism, from the present point of view, lies not in any mysterious prompting to crime which it gives, but in the manner in which the poison lets loose the individual's natural or morbid impulses, whatever these may be.

If we set aside these slow and subtle causes and symptoms of degeneration—causes which, while they may have long been recognised, are only now beginning to be understood—there is no doubt whatever that the criminal parent tends to produce a criminal child. There are, as Vidocq says, families in which crime is transmitted from generation to generation, and which seem to exist merely in order to prove the truth of the old proverb: *bon chien chasse de race.* The investigations at Elmira show that in nearly 50 per cent. the home was "positively bad," and only "good" in about 10 per cent. A large number of the criminals investigated by Rossi (*Studio sopra una Centuria di Criminali*) belonged to criminal families. Two typical examples may be given:—N. N., condemned for fraud and violence; father, alcoholic, convicted of fraud; mother, healthy; six brothers, died young; one brother, a monster; another brother, born with webbed fingers; another brother, highway-robber; another brother, convicted of wounding; two sisters, one insane, the other a prostitute. R. S., a thief, camorrista, convicted of wounding, etc.; father, convicted of wounding; paternal uncle, a thief;

[1] *American Medico-Legal Journal*, June 1888.

mother, a drunkard, convicted for fraud and wounding; maternal grandfather, insane; maternal uncles, camorrista; one brother, pickpocket, who five times feigned madness; another brother, camorrista, convicted of fraud; another, thief; another, receiver; another, camorrista and thief; a sister, honest and healthy.

Allison, superintendent of the Matteawan State Hospital, New York, is impressed by the frequency with which very serious crime, especially murder and violent assault, occurs in the same family. He notes that at Matteawan such cases as the following were all confined at the same time (1898):—Two brothers, one convicted of two assaults to kill and the other of robbery in the first degree; two brothers, both accused of murder in the second degree; two cousins, both charged with assault to kill; father and son, father had committed four homicides and the son was indicted for assault to kill; two sisters, one accused of assault to kill and the other of assault in the third degree; two brothers, both convicted, one of murder and the other of forgery; two brothers, both committed murder in the first degree.

Morrison found that among the inmates of English industrial schools, 51 per cent., or more than half, are either illegitimate or have one or both parents dead, or are the offspring of criminals and parents who have abandoned them. Even when the parents are alive, "in nine cases out of ten one or other of these parents is distinctly disreputable." Morrison concludes, concerning the parents, that "at the very least eighty of them in every hundred are addicted to vicious, if not criminal, habits."[1]

Magri, in Italy, has pointed out another tendency

[1] W. D. Morrison, *Juvenile Offenders*, 1896, pp. 145, 150.

in the heredity of criminals, though it has scarcely yet been widely confirmed. He finds that criminals very frequently belong to large families. He has found on questioning criminals that they belong with remarkable frequency to large families. He has found also that epilepsy, hysteria, and neurasthenia flourish in large families. This is in a line with the fact that high evolution diminishes the number of offspring. Magri finds a special cause for degeneration in large families from the precocious senility and organic exhaustion produced in women by much child-bearing.[1]

This conclusion is confirmed by the elaborate investigations of Marro,[2] which show that the children of young mothers (under 21) are superior both as regards conduct and intelligence, this tendency being modified or counterbalanced by the fact that if the father is very young or very old the children tend to turn out badly.

Sometimes the criminal tradition is carried on through many generations and with great skill, a kind of professional caste being formed. The Johnson family of counterfeiters in America is an example of this. The grandfather was a famous counterfeiter in his day; the next generation were well known to the police; in the third generation criminal audacity and skill appear to have reached a very high degree in seven brothers and sisters, one of them, especially, being considered one of the most expert counterfeiters of the day; he has spent a large part of his life in various prisons.

[1] F. Magri, "Le Famiglie dalle quale discendono i delinquenti," *Arch. di Psi.*, vol. xvii., Fasc. v.-vi., 1896.

[2] *La Pubertà*, cap. xi, especially pp. 257-258.

The history and genealogical tree of a very remarkable Brittany family of criminals through five generations has been published by Aubry.[1] The history begins in the last century with Aimé Gabriel Kérangal and his wife, who were both normal so far as is known. The outcome through five generations has been a family of eccentrics, of criminals, of friends of criminals, and of prostitutes, but none of them were insane, or at all events recognised as insane. It is very interesting to find that one branch of the family is free from crime, and includes a poet and a painter of great talent who have both reached high social position. Suicide, incest, and all sorts of reckless licentiousness have flourished in this family. Their impunity has been very remarkable, although besides their proved crimes there have been various attempts at crime and many merely suspicious occurrences. Crimes of blood are laid to the charge of seven persons in the genealogical tree; other offences to nine persons.

The so-called "Jukes" family of America is the largest criminal family known, and its history, which has been carefully studied, is full of instruction.[2] The ancestral breeding-place of this family was in a rocky inaccessible spot in the state of New York. Here they lived in log or stone houses, sleeping indiscriminately round the hearth in winter, like so many radii, with their feet to the fire. The ancestor of the family, a descendant of early Dutch settlers, was born here between 1720 and 1740. He is described as

[1] Aubry, "Une Famille de Criminels," *Ann. Méd. Psych.*, Nov.-Dec. 1892; also *ib.*, *La Contagion du Meutre*, 2nd ed., 1896, pp. 33 *et seq.*

[2] *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity.* By R. L. Dugdale. Putnam's, New York, 1877.

living the life of a backwoodsman, "a hunter and fisher, a hard drinker, jolly and companionable, averse to steady toil," working by fits and starts. This intermittent work is characteristic of that primitive mode of life led among savages by the men always, if not by the women, and it is the mode of life which the instinctive criminal naturally adopts. This man lived to old age, when he became blind, and he left a numerous, more or less illegitimate, progeny. Two of his sons married two out of five more or less illegitimate sisters; these sisters were the "Jukes." The descendants of these five sisters have been traced with varying completeness through five subsequent generations. The number of individuals thus traced reaches 709; the real aggregate is probably 1,200. This vast family, while it has included a certain proportion of honest workers, has been on the whole a family of criminals and prostitutes, of vagabonds and paupers. Of all the men not twenty were skilled workmen, and ten of these learnt their trade in prison; 180 received out-door relief to the extent of an aggregate of 800 years; or, making allowances for the omissions in the record, 2,300 years.[1] Of the 709 there were 76 criminals, committing 115 offences. The average of prostitution among the marriageable women down to the sixth generation was 52.40 per cent.; the normal average has been estimated at 1.66 per cent. There is no more instructive study in criminal heredity than that of the Jukes family.

[1] The cost being, at a very moderate estimate, 47,000 dollars for a single family during 75 years. The total cost Dugdale estimates at a million and a quarter dollars during this period, without taking into consideration the entailment of pauperism and crime on succeeding generations. The hereditary blindness of one man cost the town 23 years of out-door relief for two people, and a town burial.

§ 7. *Motor Activity.*

Extraordinary and ape-like agility has frequently been noted among criminals. Every one is familiar with the daring feats of agility by which prisoners frequently escape scatheless from the hands of their guardians. This characteristic appears to be sometimes favoured by unusual length of arm. A thief, incendiary, violator, and murderer, examined by Marandon de Montyel, showed little abnormal or criminal in his physical character, except an extraordinary agility.

Attention has also been called to the prevalence of the prehensile foot among criminals. Stimulated by Regnault's investigations concerning the prevalence of the prehensile foot among Indians, Ottolenghi and Carrara examined 100 normal men, 200 criminal men, 31 epileptics, 62 normal women, 50 prostitutes, 64 criminal women, and (so far as possible) 36 idiots; all were over eighteen years of age. A drawing of the foot and the space between the great and second toes was taken, the subject standing erect and with the toes in repose, and then another drawing was taken after the subject had been requested to abduct the great toe to the greatest possible extent; in both conditions the space between the toes was measured at the base and also at the periphery (*i.e.*, from the centre of extremity of one toe to centre of extremity of the other). The space was found to be smallest in normal men; while a space over 3 mm. was found to be three times more common in criminal than in normal men. The epileptics closely resembled the criminals in this respect. The proportion of normal female subjects showing a wide space was much greater than

of normal men, but there was little difference between the normal and the criminal women. Prostitutes were much more abnormal in this respect, and ranked with criminal men. The idiots were most abnormal of all, though in their case it was not possible to take drawings during forcible abduction. Two cases of true prehensile power were met with.[1]

Left-handedness has, by instinct or from accurate observation, been regarded with disfavour in the proverbial sayings of many nations. It is decidedly common among criminals. Among the ordinary population 1 in about 20 to 30, according to various examinations, represents the proportion of the left-handed.[2] Féré considers that since right-handedness is one of the most "ancient of human institutions" and indispensable to co-operation, left-handedness may be regarded as "the mark of a tendency to the dissolution of heredity."[3] Among 90 thieves at Elmira Wey found that 14 (or in the proportion of 15 per cent.) were left-handed, while 2 were ambidextrous. Examining 81 normal persons, Marro found the proportion of left-handed and ambidextrous persons was 6.2 per cent. Among criminals, on

[1] Ottolenghi and Carrara, *Archivio di Psichiatria*, 1892, Fasc. iv.-v.; Penta, who has written an interesting study of atavistic anomalies of the hands and feet in criminals, claims to have been the first to point out the prevalence of this character in criminals, *Arch. di Psich.*, 1895, Fasc. iv.-v.; Jullien, who studied the same character in French prostitutes, found it to be more marked even than Ottolenghi's and Carrara's results show, and existing to a greater extent in the left than in the right foot, *Arch. di Psich.*, 1897, Fasc. i.

[2] See, *e.g.*, D. Wilson, *The Right Hand: Left-handedness*, 1891. For a very elaborate and extended study of the prevalence of right-sidedness and left-sidedness in the body generally, see Van Biervliet, *Revue Philosophique*, 1898.

[3] *La Famille Névropathique*, 1898, p. 317.

the other hand, with the single exception of highwaymen, the proportion of left-handed and ambidextrous persons was in every case higher. Among 40 assassins in 17.5 per cent.; among 7 incendiaries in 28.5 per cent.; among 44 burglars in 18.1 per cent. This corresponds with a greater sensory obtuseness, which has also been observed on the right side among criminals. It is also interesting to note the ambidextrous tendency among children, savages, and idiots.

With the dynamometer, also, there appears to be a slightly greater prevalence of excess of the left hand over the right, judging from Marro's experiences. It may be of interest to note here that among normal persons the proportion in which the left hand is stronger than the right is by no means small. Thus at the International Exhibition in London in 1884 observations made under Mr. Galton's superintendence on 400 male adults—artisans, clerks, professional men, etc.—between the ages of twenty-three and twenty-six, showed that in 253 cases the right hand was stronger than the left in squeezing power; in 147 the left was stronger; in 28 both hands were equal. If we divide the individuals thus examined according to occupation the results vary curiously. Of 18 chemists, in 12 the right hand was stronger, in 5 the left, in 1 both were equal. Of 9 carpenters and joiners, in 4 the right hand was stronger, in 3 the left, in 2 both were equal. Of 87 clerks, in 52 the right hand was stronger, in 29 the left, in 6 both were equal. Of 9 medical men, in 5 the right hand was stronger, in 4 the left. Of 7 clergymen and ministers, in 3 the right hand was stronger, in 3 the left, in 1 both were equal. The

high proportion of right-handed squeezers among the chemists is no doubt due to the effects of occupation, to the constant practice of gripping heavy bottles with the right hand. Occupation also, no doubt, among the carpenters and joiners, favours squeezing power in the left hand. The factor of occupation is less obvious among clerks, but would no doubt favour the right hand, and among these the proportion keeps very close to the average among the 400 The doctors are almost as left-handed in this respect as the carpenters, though the result can scarcely be influenced by occupation; while the clergymen, who are certainly most free from the influence of occupation in this respect, are the most left-handed of all, although here the figures are too small to allow of any very reliable results.

It seems that sufficient care has not yet been taken to determine what constitutes left-handedness. The relative strength of the two hands is not enough to decide this, for mancinism, or left-sidedness, is a matter of relative skill as well as of relative strength. It is quite possible for a person to be left-handed in some respects, right-handed in others; thus (as happens to be the case with the present writer) he may be right-handed in regard to all those actions which are exercised habitually and socially, or which are the result of training, and left-handed in all other respects. In such a case there appears to be a natural tendency to left-sidedness, which is controlled and concealed by training, but which takes every opportunity to assert itself in more unguarded directions. It appears to me that the act of throwing a stone, an act requiring delicate nervous adjustment as well as muscular force, and which is not subjected to the

influence of artificial training, is for practical purposes the most convenient and accurate test for determining left-handedness. This was the test adopted by Clapham and Clarke; they found that 6 per cent. of the 500 criminals examined were left-handed.[1]

Ottolenghi has also investigated the anatomical mancinism of criminals. At the suggestion of Lombroso, he has measured with Bertillon's instruments, which give the maximum of precision, the length of the hands, the middle fingers, and the feet in 100 criminals and 50 normal persons. Differences of less than a millimetre he disregarded. He found that while the right hand was longer in 14 per cent. of the normal persons, it was so in only 5 per cent. of the criminals generally, and in none of the thieves and pickpockets. In 35 per cent. of the pickpockets the left hand was longer as against 11 per cent. in the normal persons. Very similar results came out in regard to the fingers. In 38 per cent. of the normal persons the right foot was longer, in only 27 per cent. of the criminals; in this respect, however, the pickpockets (35 per cent.) most nearly approach the normal, while those convicted of wounding, who in regard to the hand are nearest to the normal, are in this respect farthest from the normal. In 15 per cent. of the normal persons the left foot was longer, in 35 per cent. of the criminals, including 55 per cent. of the cases for wounding, and in 56 per cent. of the sexual offenders. It should be added that this anatomical mancinism is not necessarily related with motor mancinism.[2]

[1] *West Riding Asylum Reports*, vol. vi.

[2] "Il Mancinismo anatomico nei criminali," *Archivio di Psichiatria*, 1889, Fasc. vi.

Anomalies of the tendon reflex of the knee are very common among criminals; it is either exaggerated or, very frequently, absent. Lombroso found feeble tendon reflexes especially common among thieves, and a very large proportion of exaggerated tendon reflexes among sexual offenders. Marro also found the highest proportion of exaggerated reflexes (the enormous proportion of 40 per cent.) among sexual offenders. There was an alcoholic or insane parentage among 79 per cent. of those with exaggerated reflexes. It may be added that among epileptics Féré has found a remarkable tendency to absence of the various cutaneous reflexes—pupillary, palmar, epigastric, abdominal, cremasteric, gluteal, plantar, etc.[1]

Muscular incoordinations and functional muscular irregularities have been found to be unusually prevalent among criminals. Laurent has noted this as regards incontinence of urine.[2] Baer investigated the proportion of stammering among Berlin criminals and found it to be 2.3 per cent., a much larger proportion than any statistics give for the ordinary population; Laurent had previously noted the prevalence of stammering among Parisian criminals. Abnormalities in the handwriting of criminals have been investigated by Lombroso, Laurent, and Preyer.[3] Strabismus, or squinting, which is recognised as common among the neurotic, was also found prevalent by Laurent, as it has by other investigators among criminals elsewhere. Thus Case, examining

[1] Féré, *Comptes rendus Soc. de Biologie*, 2nd Oct. 1897.

[2] Laurent, *Habitués des Prisons*, p. 215.

[3] See, *e.g.*, W. Preyer, "Die Handschrift der Verbrecher," *Zeitschrift für Criminal Anthropologie*, Bd. I., Heft. 1.

the inmates of Elmira for eye-defects, found it rather frequent, and remarks: "From the former manner of living of many of these men, without home, exposed to the inclemency of the weather, and with insufficient and improper food, they are subject to local mal-function which affects the ocular muscles, causing deviation. But the true cause, I think, lies along the line of degeneracy. There is lack of development of the retinal elements in one eye of a congenital nature, and in consequence the eye is low in visual power, becoming crossed, as is the rule in such cases. Unequal refraction of the two eyes compares in frequency with other anomalous conditions found, and is the causative factor in many of the strabismus cases from the inability of the eyes to work together at the fixation point, the poorer eye deviating in the direction of the stronger muscle."[1]

§ 8. *Physical Sensibility.*

The extent to which tattooing is carried out among criminals, sometimes not sparing parts so sensitive as the sexual organs, which are rarely touched even in extensive tattooing among barbarous races, serves to show the deficient sensibility of criminals to pain.[2] The physical insensibility of the criminal has indeed been observed by every one who is familiar with prisons. In this respect the instinctive criminal resembles the idiot to whom, as Galton remarks,

[1] *Twentieth Year Book, New York State Reformatory*, 1895, p. 76.

[2] At Tahiti and Viti the sexual organs were sometimes tattooed. Among 142 tattooed criminals, Lombroso found 5 with designs on the penis; Lacassagne's very extensive researches show a smaller proportion (11 out of 1,333).

pain is "a welcome surprise." He may even be compared with many lower races, such as those Maoris who did not hesitate to chop off a toe or two, in order to be able to wear European boots. Dr. Felkin found the maximum distance at which two points of a compass could be distinguished at the tip of the tongue was in an average European 1.1 mm., in a Soudanese 2.6 mm., in a negro 3 mm.

Lauvergne mentions a convict, imprisoned for life, who smiled with pleasure when, moxas having been applied to him, he saw his skin burning and heard it crack. Sbro . . . (who killed his brother and his father), Lombroso's favourite typical case of "moral insanity," was found by Tamburini and Seppilli to be without perception of pain when tested with a needle. Other criminals have been found very deficient in sensibility to the electric current. Dr. Nicolson remarked: "They are comparatively free from that agitation and tremulousness which are so apt to arise under circumstances involving suspense and painful foreboding. The prisoner with the knowledge of a probable flogging on the morrow, instead of giving way to restlessness and anxiety, maintains a calm and stolid behaviour." It is not uncommon to read in the newspapers of criminals who hold out their hands to be handcuffed without the slightest trembling, and who eat heartily on the eve of execution, or even while the jury above are still deliberating on their fate.

One of Rossi's hundred criminals received when a child his father's blows as "caresses," and he was able to walk with a dislocated foot from Genoa to Novi (some thirty miles); another wounded himself severely and declared that it gave him no pain. Dr. Penta,

in the course of his elaborate researches, found that the majority of his 184 instinctive criminals at Santo Stefano were insensible to the pain of punctures, burns, cuts, and even grave surgical operations. "I have extirpated tumours," he remarks, "of considerable size, in the back and the neck, without the necessity of producing anæsthesia, and without causing pain; in a case of feigned epilepsy ammonia to the nose caused no reflex phenomenon, and deep puncture and burning of the skin produced no painful contraction."

This insensibility shows itself also in disvulnerability, or rapid recovery from wounds, first pointed out by Benedikt, which appears to be a frequently observed phenomenon among criminals; thus it had been noticed by several of the medical officers of prisons who answered my Questions.[1] In this respect the instinctive criminal resembles the lower animals as well as the lower races of man; among the Egyptians, Chinese, and Annamites, and other races, wounds heal much more rapidly than in Europe. Thus Mr. Tregear remarks:—"I have seen a Maori speared with a big rafting-spear (an iron-shod pole thicker than the wrist), the point driven through the breast, just under the collar-bone, and coming out at the back. In a week's time he walked fifteen miles, crossing a mountain range, the wound being healed."[2] Benedikt speaks of a brigand who, in a revolt of prisoners, had several vertebræ broken; all his wounds

[1] The dependence of disvulnerability on insensibility is well shown in Delbœuf's experiment: he made two equal and symmetrical wounds on the right and left shoulders of a hypnotised subject, and suggested insensibility on the right side. That side healed much more rapidly.

[2] *Journal Anthropological Institute*, Nov. 1889.

healed, and the giant of former days became a dwarf, but he could work at the forge with a heavy hammer with all his old vigour. Lombroso knew a thief whose frontal bone was cloven laterally with a hatchet; in fifteen days he was cured without any relapse. He speaks also of a murderer who, when working as a mason, was reproved for some fault; he threw himself from the third storey into the court; every one supposed he was killed, but he got up, smiling, and asked to be allowed to continue work. A pregnant woman performed on herself Cæsarean section with a kitchen knife, subsequently killing the child; she recovered without dressings and without fever. We hear also of a criminal with a fractured rib and pleurisy who could hew wood and travel in a cart over rough mountain roads. "Individuals who possess this quality," Lombroso remarks, "consider themselves privileged, and treat with contempt those who appear delicate and sensitive. It is a pleasure to such men to torment others whom they regard as inferior beings."

Though loud in their complaints of trivial ailments, they are often unconscious of severe illness. At Chatham, in 1888, a prisoner dropped down dead on returning from labour; both lungs were found in an early stage of pneumonia, and death was probably due to syncope; he had made no complaints to any one. Prisoners will inflict severe injuries on themselves in order to gain some very trifling object. At Chatham, in 1871-72, 841 voluntary wounds or contusions are recorded; 27 prisoners voluntarily fractured a limb, and 17 of them had to submit to amputation; 62 tried to mutilate themselves, and 101 produced wounds by means of corrosive substances.

Lombroso found the general sensibility decreased in 38 out of 66. Working with Du-Bois Reymond's electrical apparatus, in conjunction with Marro, he found the sensibility of the criminals much inferior to that of the normal persons examined. Swindlers possessed much greater sensibility than murderers and thieves. Marro found sensibility, measured by an esthesiometer, most obtuse in murderers and incendiaries. Similar results were obtained by Ramlot, in reference to tactile sensibility; he examined 103 criminals and 27 normal persons and found obtusity in 44 per cent. of the former, and in only 29 per cent. of the latter.[1] It should be noted that cases of excessive sensibility, due either to extreme pusillanimity, or to some morbid condition of the skin or brain, are also found among criminals.

The eyesight of criminals was found by Bono to be superior to the normal. He examined 190 youthful delinquents, and compared them with over 100 youths of similar age in an agricultural institute, the examination in all cases being made under the same conditions. The visual acuity of 49 per cent. of the criminals was superior to 1.5 Snellen; only 31 per cent. of the honest youths possessed an equal acuteness.

Ottolenghi obtained similar results.[2] He examined 100 criminals with Snellen's types in the open air, using various precautions to ensure uniformity and accuracy. The results were—

Visus (average)	for 82 thieves	= 1 8
,,	,, 18 homicides	= 2.2
,,	,, 100 criminals	= 2.0

[1] *Bulletin de la Société d'Anthropologie* of Brussels, 1885.

[2] "L'occhio dei delinquenti," *Archivio di Psichiatria*, 1886, Fasc. vi.

In one of the homicides sight was exceedingly keen (V = 3). He examined 15 warders, between the ages of 27 and 45, under the same conditions, and found vision = 1.5. Further observations on this point are needed, as previous observers (Bielakoff, for instance) have found the sight of criminals inferior to the normal. If Ottolenghi's results are confirmed by extended observation, there is an interesting analogy on this point between criminals and many lower races. Thus examinations by Seggel in 1881 yielded the following results—

Tierra del Fuegians - - -	V = 5
Nubians - - - - -	V = 3
Georgians - - - - -	V = $1\frac{3}{4}$

while among German and Russian soldiers the average varied between $1\frac{2}{5}$ and 0.95.

Ottolenghi also found colour-blindness very rare; he met with one case (green-blindness) among 460 criminals tested with Holmgren's wools. This result also corresponds with examinations of lower races, such as Samoyeds, Lapps, Esquimaux, Nubians, etc. It should be added that this result also needs confirmation, as it does not correspond with other observations. Thus Holmgren found that colour-blindness existed in 5.60 per cent. of 321 criminals, while among 32,000 of the ordinary population the proportion was scarcely 3.25 per cent. Narrowing of the visual field has been found common, a fact of significance, since this disorder is frequently connected with disturbance of the nervous system.

The healthiness of eye in criminals, if confirmed, may be compared with a similar condition in imbeciles. In a study of twenty young adult male imbeciles of

a minor degree than idiocy, Dr. Oliver found vision normal and colour perception apparently normal, and the eyes singularly free from the slight morbid changes so common in the eye. This condition, "which is shown by a proper balance of muscular action, a persistence of congenital hypermetropia, and an abnormally healthy appearance of the eye-ground (presenting a picture that is almost identical to the one seen during infantile existence), may be considered as significant of a type of unused, healthy, adult human eye."[1]

The hearing of criminals is relatively obtuse, and they are prone to disease of the ear. Thus Dr. Gradenigo, at the request of Lombroso, undertook a series of researches into the matter,[2] in 110 instinctive and occasional criminals. Of the 82 criminal men he examined, 55 (67.3 per cent.) proved to be inferior to the normal. Of these 82, there were 40 who were instinctive criminals, and of these 29 (72.5 per cent.) had defective hearing. Of the 28 women, 15 (53.5 per cent.) possessed hearing inferior to the normal. Four of the women, however, possessed hearing much superior to the normal average.[3] Gradenigo found that the defective hearing was due in the great majority of cases to inflammatory affections of the middle and internal ear. He found no constant relation between defective hearing and obtusity of touch, taste, and smell, frequently found among criminals.

[1] Charles Oliver, "The Eye of the Adult Imbecile," *Transactions of the American Ophthalmological Society*, 1887.

[2] *Archivio di Psichiatria*, Fasc. iii.-iv., 1889.

[3] For the sake of comparison, Gradenigo gives the result of examination of 69 men and women belonging to the ordinary population, chiefly the lower class. Of these 44.6 per cent. of the men, and 22 per cent. of the women, showed diminished hearing.

Ottolenghi has examined the olfactory acuteness of 80 instinctive criminals (50 men and 30 women) and 50 normal persons of the middle and lower classes. He constructed a kind of osmometer consisting of twelve aqueous solutions of essence of cloves, contained in similar bottles in similar quantities. The solutions were graduated from $\frac{1}{3000}$ to $\frac{1}{100}$.[1] Beginning with the weakest solution, he noted when olfactory sensation commenced; and he also used the method of Nichols and Bailey, inviting the subject to arrange the bottles in order of intensity. The result, unlike what he had expected, was to show distinctly that the olfactory sense is less developed in the criminal than in the normal person, and slightly less in the criminal women than in the criminal men. Among normal persons (as Nichols and Bailey had previously found) the olfactory sense of women is less keen than that of men. Among the 80 criminals, 8 (6 men and 2 women) possessed no olfactory sensibility; in 2 of these there was entire absence of perception, in 6 absence of specific sensation.

Ottolenghi has also investigated the sense of taste in criminals.[2] He examined 60 instinctive criminals, 20 occasional criminals, 20 normal persons of the lower class, 50 students and professional men, 20 criminal women and 20 normal women, all healthy and robust, and for the most part between the ages of twenty and fifty. The three test substances used were sulphate of strychnia, saccharine, and common salt; various precautions (attention to uniformity of amount of solution used, temperature of solution, cleanliness of mouth, etc.) were adopted in order to

[1] "L'Olfatto nei Criminali," *Archivio di Psichiatria*, 1888, Fasc. v.

[2] *Archivio di Psichiatria*, 1889, Fasc. iii.-iv.

make a series of experiments, full of practical difficulties, as reliable as possible. From these experiments, it appeared that the sense of taste is more developed in the normal man than in the criminal, and more developed in the occasional criminal than in the instinctive criminal. He found gustatory obtuseness in 38.3 per cent. of the instinctive criminals, in 25 per cent. of the lower class men examined, and in 14 per cent. of the professional men. The criminal women also showed a larger proportion of gustatory obtuseness than the normal women. He noted, however, that the women who passed as normal, but who were given to vice and prostitution, showed an even larger percentage of gustatory obtuseness than criminal women. The defect in gustatory acuteness seemed to him generally to be rather of a qualitative than quantitative character. The generic excitation was produced in a large number of cases as soon as in the normal person, but the specific sensation was very retarded. The subject was conscious of a taste, but could not tell of what kind it was; that is to say, the defect was situated centrally, in the cerebral cortex, rather than in the sensorial apparatus.

It is worthy of note that criminals begin to use tobacco at an early age. Thus among a population which normally begins to smoke before the age of thirty only in the proportion of 14 per cent. (and the insane 7.2 per cent.), 22 per cent. of criminals smoke before the age of thirty, and nearly all (279 out of 300 males and 32 out of 32 women) before entering prison. Venturi[1] found tobacco used by 14.3 per cent. of normal men, 1.5 of normal

[1] *Studio sul tabacco nei pazzi e nei criminali.*

women; 45.8 of criminal men, 15.9 of criminal women. Marambat[1] concluded that the love of tobacco was the first passion that rooted itself in the youthful criminal. Out of 603 juvenile delinquents, between the ages of eight and fifteen, 51 per cent. had acquired the custom of using tobacco before their detention. At Elmira Wey found that among 132 youths assigned to the physical training department only 5 per cent. were not addicted to smoking or chewing tobacco, or both.

Lombroso notes that the sensibility of criminals to the weather appears to be greater than that of the ordinary population. He found it in 29 out of 112. There were 9 who became quarrelsome shortly before storms, and one of these remarked that his companions always foretold bad weather when he sought to quarrel. Dostoieffsky observed that quarrels and disturbances were particularly common among the convicts in the spring. What is true of the Russian prisoners in Siberia seems also to be true of American prisoners at New York. From some tables given by Dr. Wey of Elmira it appears that marks for bad conduct are specially numerous in the spring, and also, to some extent, in the autumn.[2]

The more recent investigations into the data of physical sensibility among criminals, while they have frequently confirmed the results already reached, have shown that such investigations are beset with many difficulties, and have also tended to show that while there is one large class of criminals whose

[1] *Revue Scientifique*, 1889.

[2] For a general discussion of this subject, see study of "The Phenomena of Periodicity," Havelock Ellis, *Studies in the Psychology of Sex*, vol. ii., Philadelphia, 1900.

sensibility is more obtuse than that of normal people, there is another class who tend in many respects to have more acute sensibility. There is nothing here to surprise us, for while, on the one hand, the relationship of the criminal to the idiot prepares us to expect the sensory obtuseness so often found, the equally undoubted neurotic relationships of criminality in a certain proportion of cases should prepare us to find in some cases a morbid degree of sensory acuteness. Professor Ottolenghi, in his examination of 265 criminals, points out that obtusity of general sensibility is by no means necessarily parallel with obtusity to pain. In his cases the physiological examination showed that abnormal obtusity to pain, measured by Du-Bois Reymond's electric apparatus, existed in 61 per cent. of the 128 cases in which this point was investigated. Obtusity of general sensibility was found in 51 per cent. The two sensibilities were frequently not parallel; this was very clearly shown in the later observations made with the more delicate Edelmann apparatus. Tactile obtusity was found in 35 per cent. of 156 cases, and was found to be fairly independent of general sensibility and sensibility to pain.[1]

Dr. Tarnowsky has published an interesting study of the sensory acuteness of female criminals and prostitutes, which shows that the phenomena are not always harmonious.[2] The subjects examined all belonged to the centre of Russia, and included 50 murderers, 50 recidivist thieves, 50 habitual prostitutes, and 50 healthy and honest peasant women.

[1] *Archivio di Psichiatria*, vol. xviii., 1897.

[2] "Sur les Organes des Sens des Femmes Criminelles et des Prostituées," *Archivio di Psichiatria*, vol. xiv., 1893, Fasc. i.-ii.

In testing taste sensibility, she found that about 30 per cent. of the murderers, prostitutes, and normal individuals were able to distinguish salt, sugar, acetic acid, and quinine, and as many as 52 per cent. of the thieves.

In testing the sense of smell, normal sensation was found in 66 per cent. of the murderers and the prostitutes, in 72 per cent. of the thieves, and 82 per cent. of the peasant women. Hearing, as determined by a watch, was weakened in as many as 46 per cent. of the murderers, in 32 per cent. of the thieves, in 24 per cent. of the prostitutes, and in only 14 per cent. of the peasant women.

Sensibility to pain, as measured by Du-Bois Reymond's instrument, was specially obtuse on the faces of the prostitutes, although the palms of their hands were specially sensitive, and in 10 per cent. of the peasant women the palm was absolutely insensible to pain. This is merely additional proof how idle it is to select the palm of the hand for such observations, no information is gained as to the sensibility of the individual; the result depends entirely on the amount of manual labour habitually performed. Taking the body generally, the figures obtained by Mlle. Tarnowsky were fairly uniform in murderers, thieves, prostitutes, and honest women, and she is not able to agree with those investigators who find that sensibility to pain is markedly diminished in criminal women. Dr. Gurrieri of Bologna, however, has published a very careful and detailed study of ordinary sensibility and sensibility to pain (examining various parts of the body) in 40 girls in an orphanage, 15 normal women, and 60 young prostitutes; he found that in every respect prostitutes are

markedly more obtuse than normal women with the single exception of the hand.[1] Abnormalities of various kinds have also been found by Ardu and others to be very numerous in prostitutes.[2]

Rosario Spina, again, studying sensibility to tactile pain, electric, and thermic stimuli in over 200 criminals, prostitutes, and normal men and women, found all kinds of sensibility diminished, but more so in the criminals than in the prostitutes; as regards tactile sensibility, the criminal women were less sensitive than the criminal men; the prostitutes, on the whole, occupied an intermediate position, nearer to the normal than to the criminal women.[3]

It is noteworthy that Dawson, in his study of 52 youthful American offenders, found that only a small proportion of the boys, and not a much larger proportion of the girls, showed less sensitiveness to pain than normal children, while greater sensitiveness was shown in the proportion of 92 per cent. of the boys, and 80 per cent. of the girls. Dawson accounts for this by the neurotic character of many of the delinquents, and the fact that their general health was below the normal standard.[4] It must be added that

[1] "Sensibilità e Anomale Fisiche e Psichiche nella Donna Normale e nella Prostituta," *Archivio di Psichiatria*, Fasc. iv.-v., 1892.

[2] Lombroso and Ferrero deal fully with the prostitute, as well as with criminal and normal women, in their valuable and suggestive work, *La Donna Delinquente*, of which there are good German and French translations; the English translation (published under the title of *The Female Offender*) is, unfortunately, far too incomplete to be of much use.

[3] *Revista quindicinale di psicologia*, vol. i., 1897. Miss F. A. Kellor, investigating criminal women in Chicago, finds insensibility to pain common. This is frequently accompanied, she adds, by abnormal fear of pain.

[4] *Pedagogical Seminary*, Dec. 1896, pp. 232, 243.

as regards sensibility to touch, as well as regards acuteness of sight and hearing, these criminal children were inferior to the normal average. While a small proportion of the boys showed delicate touch discrimination, it was not found among one of the girls.

The investigations of the eye and eyesight among criminals are still not altogether in harmony with one another. This Goudibert, in an examination of 362 youthful criminals in the reformatory at Aniane, Hérault,[1] could not find that eye-disorders and stigmata were more frequent than in normal subjects, but is in agreement with those who find that the eye in criminals, as in idiots, is abnormally healthy. Colour-blindness was relatively rare; narrowing of visual field was not found, nor strabismus; there was a large proportion of keen-sighted individuals, and no special excess of myopia, hypermetropia, or astigmatism. These subjects were nearly all between the ages of 10 and 20, and mostly the children of criminals and prostitutes. Case, charged with the examination of those suffering from eye-trouble at Elmira, and therefore dealing with a more serious class of criminals than those sent to a French reformatory, cannot give so favourable a report. "The greater number of diseases of the visual apparatus," he remarks, "in the case of the Reformatory inmates can be traced to accidents and the habits incident to early life, and the general degeneracy of the individual from inherited and acquired syphilis, alcoholism, dissipation and vice, tobacco, privation, malnutrition, etc. As errors of refraction depend largely upon a disproportionate structure of the eye, a want

[1] *Contribution à l'étude de l'œil et de la vision chez les criminels* (Thèse de Montpellier), 1896.

of harmonious relation of the anatomy of the eye and its refractive media, we expect to find refractive errors occurring frequently in such individuals in whom lack of symmetry is so common a characteristic. The expression of many of the eyes is peculiar. As the cranial and facial measurements are disproportionate in many cases, it must follow that the orbits are likewise. Hence we are quite apt to find either too narrow or too broad inter-pupillary distances. It has happened to be the latter in my experience at the Reformatory. I have records of several instances in which it was three inches—whereas the average is about 2.38 inches among adults outside.

"As might be expected from anomalous physical development, extremely high degree of refractive error exists. Contrary to the generally accepted view of ophthalmologists, myopia and myopic astigmatism are the most frequent focal errors found. It has been set down and adopted that these forms of refractive error are the result of civilisation and education, of high pressure and competitive examinations in school, and prolonged application of the individual to close work and study. The class of men found in this institution should practically be exempt from near-sightedness if this view be correct. But the opposite are the exact conditions found. There is little doubt but in many instances there is an inherited tendency to near-sightedness transmitted through many generations, and that unhygienic environment and general deterioration of these subjects weakens the coats of the eye and precipitates these conditions. The other focal errors found do not differ essentially from those encountered in general practice save in the prevalence of high degrees of the same. Disturb-

ances of the equilibrium of exterior ocular muscles in a tendency of the eye to turn in abnormal directions, so-called dynamic squint, were not noticed. They are not so common as in general society. Sequelæ of corneal lesions are of common occurrence. Opacities both localised and diffused, with interstitial deposits of corneal layers, are often seen and evidence former traumatism. In some cases they indicate a previous specific trouble. Diseases of the iris, crystalline lens, and deeper structures of the eyes are frequently seen but are not characterised by anything peculiar to these individuals. In reviewing what has been said, the conclusion is entertained that the physical make-up of the adolescent criminal is reflected as well in his visual organs as in other portions of his body, and the predisposition to eye trouble is inaugurated at birth. The environment, personal habits, and mode of living only serve to act as exciting causes upon an already predisposed organism."[1]

Vaso-motor Sensibility. — Inability to blush has always been considered the accompaniment of crime and shamelessness. Blushing is also very rare among idiots and savages; the Spaniards used to say of the South American Indians: "How can one trust men who do not know how to blush?" From the investigations of Amadei, Tonnini, and Bergesio, it appears that if we compare lunatics and criminals, twice as many of the latter are incapable of blushing. Pasini, in his examinations of women, noted blushing in 21 per cent. of murderers, 20 per cent. of poisoners, 18 per cent. of infanticides, and only 10 per cent. of thieves. It was not at the mention of their offences that they blushed, but when questioned concerning

[1] *Twentieth Year Book, New York State Reformatory*, 1895.

their menstrual functions. Out of 130 criminal women examined by Salsotto, 50 blushed when spoken to concerning their offences. Dr. Andronico of Messina communicated to Lombroso some interesting, though too general, observations concerning the prostitutes and young female criminals in prison under his charge. "Among the inscribed prostitutes," he remarks, "none blushed when questioned concerning their occupation. I have seen some of them blush when reproached for unnatural practices. I have noted that female homicides narrate their deeds ingenuously and without blushing; those who have poisoned their husbands blush, but partially. Among female prisoners condemned for theft, blushing shows itself first on the ears, then on the face; those who are condemned for excitation to prostitution do not blush."

In order to test the vaso-motor reactions of the criminal to various thoughts and emotions, Lombroso made a series of very interesting experiments, during the course of a year, with the sphygmograph and with Mosso's ingenious and valuable instrument, the plethysmograph. With the sphygmograph (or, rather, the hydrosphygmograph) he observed the degree of excitement produced on various individuals by the sight of wine, cigars, food, money, and photographs of nude women. The plethysmograph is a delicate instrument for measuring mental excitement, depending on the fact that the slightest emotion causes an alteration in the amount of blood present in any part of the body.[1] With the plethysmograph Lombroso found that the strongest impressions (superior to the

[1] See Mosso's own account of the plethysmograph in his attractively written monograph on fear, Chap. V.

normal) were produced by cowardice, fear of the judge, some favourite mode of excitement (wine or women), but above all, by vanity. It is not, however, easy to generalise from his observations.

All these researches into the physical sensibilities of the criminal are of the first importance, and it is necessary that they should be greatly extended and carefully checked. So far they nearly all converge to show that the criminal is markedly deficient in physical sensibility. This physical insensibility is associated with that moral insensibility, or psychical analgesia, as it has been called, which is, as we shall see, the criminal's most fundamental mental characteristic.

CHAPTER IV.

CRIMINAL ANTHROPOLOGY (PSYCHICAL).

§ 1. *Moral Insensibility.*

THE moral insensibility of the instinctive and habitual criminal, his lack of forethought, his absence of remorse, his cheerfulness, had been noted long before they were exhaustively studied by Despine. In the *argot* of French criminals, conscience is *la muette*, and to induce any one to lead a dishonest life is *l'affranchir*. This moral insensibility is, indeed, a commonplace of observation with all who have come in close contact with criminals. Gall remarked: "If criminals have remorse, it is that they have not committed more crimes, or that they have let themselves be caught." Dostoieffsky, speaking from his intimate and sympathetic acquaintance with convicts in Siberia, said: "During so many years I ought to have been able to seize some indication, however fugitive, of regret, of moral suffering. I have perceived positively nothing. Seclusion and excessive work only develop among those people a profound hatred, the thirst of forbidden pleasures, and a terrible indifference." He goes on to tell of a parricide who remarked carelessly, in the course of conversation: "Take my father, for example; he was never ill up to the day of his death." "Scenes of heartrending despair are hardly ever witnessed among prisoners," observes Dr. Wey of Elmira; "their

sleep is disturbed by no uneasy dreams, but is easy and sound; their appetites, also, are excellent."[1] "It is a most singular thing," remarks Mr. Davitt, "that I have met very few individuals in prison who gave evidence in appearance or talk of being *truly* miserable, no matter what the length of their sentence, amount of extra punishment, or contrast between their previous and their convict life may have been."[2] Mr. Davitt seems inclined to attribute this sinister contentment to a sort of heroic fortitude providentially implanted in the criminal breast. He refers, however, to one man who never smiled during the time he was in Dartmoor. "His existence seemed to be one perpetual sorrow, and he formed altogether the most striking exception to the rule of non-despairing prisoners which came under my notice during my long intercourse with Dartmoor's criminal population." Now this man was a Swansea stone-mason who had come home one Saturday evening "a little fresh," but not drunk, to find his wife in tears, and on learning that she had been insulted by a man who lived on the other side of the street, he rushed out, chisel in hand, to the man's house and left him desperately wounded. It is clear that this man, who was sentenced to seven years' penal servitude, was not an instinctive criminal, or an habitual criminal at all; it was the strength of his social, and not of his anti-social, instincts which had caused his crime. He was merely a criminal by passion, and his case forms, therefore, no exception to the general rule.

On the whole we may conclude that the practice of the instinctive and habitual criminal corresponds

[1] *Physical and Intellectual Training of Criminals*, p. 53.
[2] *Leaves from a Prison Diary*, p. 119.

very closely with the faith of that religious sect who in Commonwealth days held "that heaven and all happiness consists in the acting of those things which are sin and wickedness," and "that such men and women are most perfect and like to God or eternity which do commit the greatest sins with least remorse."

Despine, in his *Psychologie Naturelle* (1868), studied this question on the largest scale in order to obtain exact results. "I addressed myself for this purpose," he tells us, "to the collection of the *Gazette des Tribunaux*, going back to 1825, and I soon acquired certainty that this psychical peculiarity is an invariable rule among these criminals. . . . I acquired the certainty that those who premeditate and commit crime in cold blood never experience moral remorse. I found also that those who manifest acute sorrow and real remorse after a criminal act, have committed that act either under the influence of a violent passion which has momentarily stifled the moral sense, or by accident, without intention." He concludes that the two great psychical conditions for crime are moral insensibility and perversity, with two accessory moral anomalies, imprudence and lack of foresight.

"You premeditated your crime?" said the judge. "Yes, for eighteen months." "But that is monstrous." "I know; I ought to have done it in April, but having no money, I arranged it for January." A murderer, after receiving sentence, was led out in the midst of a crowd who hurled imprecations at him. He saw a comrade and shouted to him, almost laughing—"Hallo! I've just been condemned to death." An Albanian, after having killed a traveller to rob him, lamented that the expense of the shot amounted to

five paras; he had only found four paras on the victim; that was his one regret. An assassin after his crime passed two days eating and drinking with a comrade; "he was as gay as a lark," said the latter. "But," said the judge to the accused, "one fact indicates remorse on your part: you were about to cut your throat when arrested." "That was that I might not be taken to prison."

Wainewright unblushingly avowed his atrocities. How could he kill such an innocent and trustful creature as Helen Abercrombie, he was asked once. After a moment's reflection he replied, "Upon my soul I don't know, unless it was because she had such thick legs."

It would be easy to give many similar stories exhibiting the moral insensibility of the instinctive criminal, frequently manifested in brutal bravado. They are, however, easily accessible and of sufficient notoriety. It is enough to give one more. A corporal at Paris killed an old woman, the landlady of an inn, in order to rob her. He was condemned to death without any hope that his penalty would be commuted. He knew this, but was not disturbed, and was proud of his calmness and *sangfroid*; he talked to his warders on the most various subjects, without reference, however, to his crime; read books from the prison library, and finally devoted himself to what he called the literary labours of his last hours. He had a taste for verse, and wrote a drama concerning his crime. "Death!" he often said to those around him; "I cannot fear it either as a soldier or as a philosopher. Yet it is overtaking me in my youth and strength. It is a terrible thing, but I am prepared, and I shall go to my execution courage-

ously and with head erect." The acts of this Socratic criminal agreed with his words. He slept peacefully, rose and dressed himself with a smile on his lips, glad, as he said, to find himself still in this world, where it is, after all, so pleasant to live. His appetite was always good, and he joked with the warder who attended him about the small amount of food supplied to him. "Patience!" he exclaimed, "*à la guerre comme à la guerre.*"

An executioner told Lombroso that all the highwaymen and murderers went to their deaths joking. It would, however, be a mistake to trace moral insensibility in the tranquil avocations and *bon-mots* of men who, whatever their crimes, are about to pay the extreme forfeit for them. One criminal occupied his last hours with arranging his unpublished literary works; another gave lessons in hygiene to the warders; a third remarked to those who sought to hurry him to the place of execution, "Do not be disturbed; they will not begin without me." Such stories have, however, been recorded of the most eminent political offenders in all countries.

Dr. Corre, in his interesting work, *Les Criminels*, has investigated the historic and judicial documents relative to the last moments of 88 criminals condemned to death, of whom 64 were men and 24 women. Of the men 25 died in a cowardly manner, already half-dead with fear, or else after a despairing struggle with the executioner. These were more than two-fifths of the whole number, and included many of the chief criminal celebrities, some of them educated men, doctors and priests. Four accepted their fate in a state of extreme nervous excitement, accompanied by loquacity. Twelve maintained to

the end a cynical and theatrical attitude ; these were vain individuals, often with some pretensions to literary ability ; Lacenaire is the type of them. Five died with indifference, an impassivity which recalls the insensibility of the brute or the unconsciousness of the madman. Eighteen went out of the world with a calm and resigned courage, often repentant, and prepared by the exhortations of the priest. They belonged to various social classes. Those of the lower classes were generally more sincere, and publicly avowed their guilt, holding themselves up as warnings to others ; those belonging to the middle classes, anxious to leave behind a doubt as to their guilt, declared themselves innocent ; others were silent. Of the 24 women, only 5 (about one-fifth) showed cowardice. Only one, a poisoner, showed "revolting cynicism." The rest, 18 in number, were self-possessed and resigned, frequently repentant, and generally consoled by religious administrations. In this category is included the Marquise de Brinvilliers, who for a long quarter of an hour was exposed to an immense crowd nearly naked—"mirodée, rasée, dressée et redressée par le bourreau," wrote Mme. de Sevigné —with unshaken firmness. Three-fourths of the women, little more than one-fourth of the men, are among those who died with resigned self-possession. The cynicism, cowardice, and brutal passivity of the others alike testify to moral insensibility.

Out of more than 400 murderers Bruce Thomson had known, only three expressed remorse. Of the 4000 criminals who have passed through Elmira, 36.2 per cent. showed on admission positively no susceptibility to moral impressions ; only 23.4 per cent. were "ordinarily susceptible." Dr. Salsotto, in his recent

study of 130 women condemned for premeditated assassination or complicity in such assassination,[1] was only able to recognise genuine penitence in six. He is careful to point out that precise statistics on this point are of no great value, unless they are associated with a very intimate knowledge of individual criminals; the assumed penitence is seldom real, and the real penitence is not obtrusive. Dostoieffsky, the most profound student of the human heart who has ever studied criminals intimately, has noted this fact—"In one prison there were men whom I had known for several years, whom I believed to be savage beasts, and for whom, as such, I felt contempt; yet at the most unexpected moment their souls would involuntarily expand at the surface with such a wealth of sentiment and cordiality, with such a vivid sense of their own and others' suffering, that scales seemed to fall from one's eyes; for an instant the stupefaction was so great that one hesitated to believe what one had seen and heard."

The moral insensibility of the instinctive criminal is the cause of his cruelty, a cruelty which he frequently displays from his childhood. Rossi found in ten of his 100 criminals an exaggerated and precocious cruelty; one of them, as a child, used to take young birds, pull out their feathers, and roast them alive; another revenged himself on birds for the punishments imposed on him by his parents. A certain amount of cruelty is, however, almost normal in healthy children. The instinctive criminal is more distinctively marked by his continuance of the same practices throughout life. At Buenos Ayres a man

[1] *Archivio di Psichiatria*, 1889, Fasc. iii.-iv.

killed his father in order to rob him, and not finding the money, he placed his mother's feet on the fire to make her confess that of which she was ignorant. Another, after killing an entire family, played with the corpses of the children by throwing them in the air and catching them alternately. Another, mentioned by Lombroso, when shown a photograph of his wife whom he had murdered, testified to the identity without the tremor of an eyelid, tranquilly adding that after inflicting the fatal wound he had asked for forgiveness, which had not been granted. A little nursemaid poisoned the twin children under her care with the phosphorus from a box of matches, in order to procure the excitement of going out to the doctor's and the chemist's.[1]

In India no motive for murder seems too unnatural or too far-fetched to be occasionally true. "A village schoolmaster in Aligarh (1881) killed one of his pupils; and a stepfather in the same district threw his two stepsons into the Ganges because he was tired of them. A man in Jhansi (1885) killed his daughter because his neighbour had slandered her, in order that the girl's blood might be upon the neighbour's head. A master murdered his servant (1881) and threw the body before his enemy's door, solely in order to bring a false charge against the latter. A similar case occurred in Azamgarh five years later: a boy was murdered by his grandfather and uncle; they threw the body into a sugar-cane field, and then charged the owner with the crime. A still stranger story comes from the Mutha District: Randbir, a Jat, who had once been a thriving man

[1] Numerous examples of the moral insensibility of criminals may be found in Dr. Corre's book, *Les Criminels* (1889), p. 157, *et seq.*

in Randbirpur, fell into the hands of the money-lenders, lost his property and his house, and became for some crooked reason embittered against his old fellow-villagers. He made up his mind to bring them into trouble. Taking his chopper with him, he met a little Chamar girl, whom he took into a temple in Bahadurpur. There he cut her throat and slightly wounded himself, and then brought a charge of dacoity and murder against the people of his old village."[1]

Such moral insensibility is, no doubt, intimately related to the physical insensibility already noted, and is of an equally morbid or atypical character. It passes far beyond that of the savage with which the moral insensibility involved in deliberately killing or injuring a fellow-creature may fairly be compared. An Australian prison-official tells how two prisoners were working together on a stone heap: one had a quid of tobacco in his mouth, when his companion asked him for it and was refused; he quietly waited his chance, struck his companion violently on the head with a stone-hammer, instantly killing him, then opened the jaws and transferred the tobacco to his own mouth.[2] "How you snore!" said one person to another. "Do it again, and I kill you." An hour afterwards he killed him. Lord Gifford mentions an Australian woman of the Muliana tribe who admitted having killed and eaten two of her own children, who annoyed her by crying. (The Australian aborigines are, however, usually very tender to their children.) A Maori chief said to Mr. Tregear—"If I go out for a morning walk with my spear, and I see a man,

[1] Kitts's *Serious Crime in an Indian Province*, 1889, pp. 14, 15.
[2] H. A. White, *Tales of Crime in Australia*, 1894.

and I push my spear through him, *that* isn't murder —that is '*killing*.' But if I invite him to my home, give him food, tell him to sleep, and then kill him, *that* is '*murder*.'"[1] Such a clear-cut distinction as this testifies to a considerable degree of moral insensibility. It must be noted, however, that while in this respect the criminal approximates to the savage, he is at the same time related to those more or less civilised persons who tolerate killing with equanimity when it is called war.

§ 2. *Dreaming in Criminals.*

Various writers have briefly referred to the characteristics of sleep and dreaming among criminals. Despine referred to the calmness of their sleep. Lombroso has pointed out that it is often disturbed by dreams. Dostoieffsky described in detail the peculiarities of sleep among criminals and the frequency of talking and gesticulating in sleep. Ferri has pointed out the diagnostic significance of the sleep of murderers; the sleep of the insane murderer after his deed resembles that of the epileptic after an attack, while that of the born murderer is a natural sleep like that of a workman after a day's labour.[2]

More recently Dr. Santo de Sanctis, of Rome, a psychologist and alienist who has devoted himself with much skill and patience to the difficult task of studying the phenomena of sleeping and dreaming both in health and disease, has investigated the

[1] "The Maoris of New Zealand," *Journal Anthropological Institute*, Nov. 1889.

[2] Ferri, *Omicidio*, pp. 349, 666.

matter among criminals.[1] He studied in all 125 criminals, of which number 40 were men at the Orvieto prison, 61 were men of the worst type, nearly all guilty of crimes of blood, in the Regina Cœli prison at Rome, and 24 were women. With regard to the frequency of dreaming the results may be stated as follows:—

Criminals.		Often dream.	Seldom dream.	Never dream.
Men (Orvieto)	40	13	22	5
Men (Rome)	61	9	28	24
Women	24	7	14	3
Total	125	29	64	32

There were a certain number of neurotic subjects, even among the Orvieto criminals, and it is noteworthy that, with the exception of these neurotic subjects, there was general agreement in stating that in freedom they dreamed much less than in prison. De Sanctis suggests that the idleness of prison life, the desire of liberty, and perhaps special nutritive conditions, reinforce the mental activities of sleep. Three women murderers asserted that they had never dreamed before entering prison. The figures given show clearly that it is among the worst criminals that the greatest proportion of non-dreamers is found; the 24 men who never dream are nearly all sentenced for life, while of the three women who never dream, one is a thief of the very worst conduct, now in prison for ill-treating her own child, another an old recidivist homicidal virago, and the third, though young and beautiful, has committed murder.

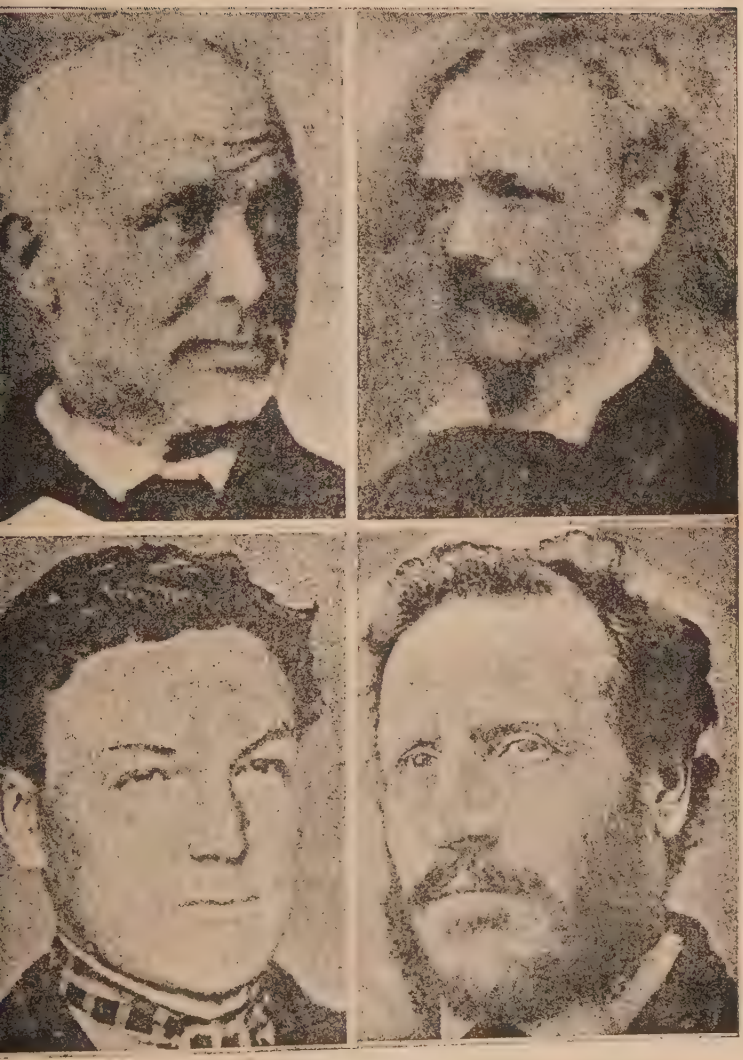
De Sanctis further investigated the contents of the

[1] S. de Sanctis, "I Sogni nei Delinquenti," *Arch. di Psi.*, vol. xvii., Fasc. v.-vi., 1896; see also the same author's interesting and valuable work, *I Sogni*, Turin, 1899.

dreams with special reference to their emotional or unemotional character. The former class dealt with quarrels, falls from a height, persecutions, fearful visions, often of mystical character, and were frequently concerned with the sexual sphere; while the latter class merely repeated the unimportant events of the day, or insignificant scenes from past life. A special inquiry was made in regard to dreams dealing with the crime which had led to imprisonment; 22 acknowledged such dreams, 16 men and 6 women; while, however, the majority of the men's dreams concerning their crime were emotional, the majority of the women (4 out of 6) experienced no emotion in dreaming of their crimes. The rarity of emotional dreams generally was very remarkable, only a third of the criminal dreamers having often such dreams, and many of those who dreamed of their crimes without emotion were murderers.

The conclusion reached by De Sanctis is that the criminal, or at all events the criminal guilty of crimes of blood, during the nights following the deed and during imprisonment, sleeps quietly and deeply, unless special causes (such as disease, nervous conditions, egoistic preoccupation, or the state of the weather) interfere with natural conditions. The habitual sleep of criminals resembles that which De Sanctis has found usually among old epileptic cases and imbeciles. Idiots have a similar dreamless sleep, and De Sanctis points out a probable connection between an unemotional dream-life and a general anæsthesia of sensibility in the waking life. There undoubtedly exists a small class of hyperæsthetic and emotional criminals, who exhibit their characteristics both waking and sleeping, but they form a

PLATE XII.



very small proportion of criminals. "On the whole, the dream-life of criminals shows that they are insensitive and unemotional, true imbeciles in feeling and partly so in intelligence."

§ 3. *Intelligence.*

The two most characteristic features in the intelligence of the average criminal are at first sight inconsistent. On the one hand he is stupid, inexact, lacking in forethought, astoundingly imprudent. On the other hand he is cunning, hypocritical, delighting in falsehood, even for its own sake, abounding in ruses. These characteristics are fully illustrated in the numerous anecdotal books which have been written concerning crime and criminals.

Several attempts have been made to attain accurate figures as to the relative intelligence of criminals, but there must be a considerable element of guess-work in such calculations. Dr. Marro, a reliable observer, detected a notable defect of intelligence in 21 cases out of 500. He found that incendiaries and then murderers yielded the largest proportion of individuals with defective intelligence; then came vagabonds, sexual offenders, those convicted of assault, highwaymen, and those convicted of simple theft. The fraudulent class, as well as pickpockets and burglars, showed no instances of defective intelligence. That is to say that criminals against the person show a much lower level of intelligence than criminals against property.

It is difficult to speak with precision regarding the intelligence of criminals, for it rarely happens that the point is investigated by trained psychologists.

There is therefore some interest in noting the results reached by Dawson in his study of 52 inmates of American Industrial Schools (26 boys with an average age of 15 years, and 26 girls with an average age of 16 years).[1] A variety of tests were applied to these children, and for comparison two similar groups of children in the public schools were examined, the same conditions, so far as possible, being observed. The tests especially concerned attention, memory, and association. It was found that among delinquent children there is a very marked deficiency in attention; 76 per cent. of the boys and 74 per cent. of the girls were inferior to the normal average. Moreover, this deficiency was not only shown in the results of the tests but in the manner in which the children responded to them; some of the boys especially showed the same restlessness and irregularity of application which one sees in very young children. Two of the girls and one boy could not attend to the tests long enough to make intelligent responses. Dawson points out that this argues either an approximation to the infantile mind or to the instability that characterises morbid mental conditions, and he refers to the conspicuous inattentiveness of idiots and imbeciles. The memory tests were less conclusive; while, however, the average per cent., especially for boys, was not much below the normal average, there were yet a comparatively large number who were very inferior; no such extreme cases were found among the normal children. This, again, seems to indicate congenital defect, and recalls the unteachableness of imbeciles; "it is altogether probable,"

[1] G. E. Dawson, "A Study in Youthful Degeneracy," *Pedagogical Seminary*, Dec. 1896.

Dawson remarks, "that much of the incorrigibility among both juvenile and adult offenders strikes its roots in a sort of congenital amnesia." The tests of association showed a marked inferiority on the part of the boys, and an equally marked superiority among the girls, who in this respect showed greater mental alertness even than the best normal girls. The author accounts for this by the slightly greater age of the girls, and also by the fact that they included several who were conspicuously precocious in development. At the same time the delinquent groups included individuals whose inferiority was extreme. Such minds indicate nothing but contradiction and confusion, and such an investigation helps us to understand the mixture of stupidity and cunning which mostly characterises the criminal.

The stupidity and the cunning of the criminal are in reality closely related, and they approximate him to savages and to the lower animals. Like the savage, the criminal is lacking in curiosity, the foundation of science, and one of the very highest acquisitions of the highly-developed man. He is constantly compared in this respect to animals. Macé, a former chief of the Parisian *police de sûreté*, remarks: "In spite of the cunning and tricks, which are too gratuitously credited to thieves, their stupidity generally is scarcely credible; they nearly all resemble the ostrich who, when his head is hidden behind a leaf, thinks that he is not seen because he cannot see." Dr. Corre remarks: "There is something feline in the criminal: like the cat, indolent and capricious, yet ardent in the pursuit of an aim, the anti-social being knows only how to satisfy his impulsive instincts." The Rev. G. P. Merrick, when chaplain of

Wormwood Scrubbs prison, in an examination of prisoners for school purposes, found that only nine out of eighty-four could say without much hesitation, and a great deal of finger-reckoning, how many seven times nine were. With the female prisoners matters are infinitely worse, it not being in the power of one out of twenty to compute the cost of five eggs at three half-pence each. Dr. Wey of Elmira says: "It is a mistake to suppose that the criminal is naturally bright. If bright, it is usually in a narrow line and self-repeating. Like the cunning of the fox, his smartness displays itself in furthering his schemes, and personal gratification and comfort." "Many criminal illiterates," he remarks elsewhere, "are so densely stupid as to be unable to tell the right hand from the left." M. Joly, discussing the criminal's delight in ruse, adds: "Animals are of all living things fondest of ruse when their special instincts are in action. Idle and untrained children, resolved to deceive their teachers and to amuse themselves at all risks, are more *rusé* than their comrades at the head of the class. Women make use of ruse much more than men." I will quote, finally, on this point some words of Dr. A. Krauss[1]:—"The specialists say that criminals are more astute than intelligent. But what is this astuteness? It is an instinctive, innate faculty, which does not depend on real intelligence, and which is already found precociously perfected in children, in the lowest savages, in women, and also in imbeciles; although experience comes to its aid, it is never capable of artificial culture. It is essentially a

[1] "Cesare Lombroso's Werk in seinem Verhältniss für Gegenwart und Zukunft der gerichtlichen Psychopathologie," *Friedreich's Blatter*, Nürnberg, 1888.

faculty limited to the consideration of concrete cases, and which is chiefly concerned with the deception of others. The mental inertia so often combined with this faculty is recognised in this, that a criminal, in planning a crime, does not calculate all the possible eventualities, and immediately after the success of his action he loses all caution, as if the energy of his mind directed to the project and its execution was exhausted at one stroke. Beside this instinctive faculty, intelligence is a faculty of infinite variety which matures slowly, and gradually affects language and questions of abstract culture. It needs to be cultivated with diligence, and with the help of a happy organisation of the nervous centres. It often develops late even in highly-gifted men."

At the same time men of undoubted intellectual power are sometimes found among criminals. Villon, one of the truest, if not one of the greatest of poets, was a criminal, a man perpetually in danger of the gallows; Marcel Schwob's recent investigations even indicate that he may have been what we should call an instinctive criminal. Vidocq, a clever criminal who became an equally successful police official, and wrote his interesting and instructive *Memoirs*, may not have been, as Lombroso claims, a man of genius, but he was certainly a man of great ability. Eugene Aram is now generally recognised as a comparative philologist who foresaw and to some extent inaugurated some of the later advances of that science.

Jonathan Wild is an interesting example of a criminal of great practical ability, a man whose genius for organisation would have made him equal to any position in which he might have been placed. "In the republic of the thieves' guild"—I quote Mr.

Pike's excellent summary of his career[1]—"Jonathan Wild became as it were a dictator; but like many of the great men of the middle ages, he owed his greatness to double dealing. From small beginnings he became, in London at least, the receiver-in-chief of all stolen goods. He acquired and maintained this position by the persistent application of two simple principles: he did his best to aid the law in convicting all those misdoers who would not recognise his authority, and he did his best to repair the losses of all those who had been plundered and who took him into their confidence. By degrees he set up an office for the recovery of missing property, at which the government must, for a time, have connived. Here the robbed sought an audience of the only man who could promise them restitution; here the robbers congregated like workmen at a workshop, to receive the pay for the work they had done. Wild was, in some respects, more autocratic than many kings, for he had the power of life and death. If he could reward the thief who submitted to him, he could hang the robber who omitted to seek his protection. If he could, for a sufficient fee, discover what had been lost, he could, when his claims were forgotten, make the losers repent their want of worldly wisdom. He was not above his position, and never allowed such a sentiment as generosity to interfere with the plain rules of business. He carried a wand of office, made of silver, which he asserted to be an indication of authority given to him by the government. Valuable goods he carefully stowed away in some of his numerous warehouses; and when there was no market for them in England, through the apathy of the persons robbed,

[1] *History of Crime in England*, vol. ii., pp. 255 *et seq.*

or the dangers to dishonest purchasers, he despatched them on board a ship of his own to Holland, where he employed a trustworthy agent. Like barbarian monarchs, he gave presents when he wished to express a desire for friendship and assistance; and in order that the recipients of these favours might not be compromised, he retained a staff of skilled artisans, who could so change the appearance of a snuff-box, a ring, or a watch, that not even the real owner could recognise it. When satisfied with the good service of any of his subordinates who might be in danger, he gave them posts in his own household, with money and clothing, and found employment for them in clipping and counterfeiting coin. He did not even restrict his operations to London, but, in imitation of other great conquerors and pillagers, or perhaps through the independent working of his own intellect, he divided England into districts, and assigned a gang to each; each had to account to him, as the counties of old to the king, for the revenue collected. And as a well-appointed army has its artillery, its cavalry, and its infantry, so among Jonathan Wild's retainers there was a special corps for robbing in church, another for various festivities in London, and a third with a peculiar aptitude for making the most of a country fair. The body-guards of a sovereign are usually chosen for their appearance, or for tried valour in the field. Wild's principle of selection was somewhat different. He considered that fidelity to himself was the first virtue in a follower, and that fidelity was certain only when there was absolute inability to be unfaithful. For this reason the greatest recommendation which any recruit could possess was that he had been a convict, had been transported, and had returned

before the time of his sentence had expired. Such a man as this not only had experience in his profession, but was legally incapable of giving evidence against his employer. Through his actions he was always in the power of Wild, who, as the law stood, could never be in his power. Thus Wild's authority was in two ways supreme. Nor was he the first man who ever abused such authority. He did what political parties had done in earlier times. He used without stint or scruple all the means at his disposal, either to ensure his own safety, or to crush any one whom he suspected. It was necessary, according to the public opinion of his time, that a considerable number of thieves and robbers should be hanged; he satisfied at once the popular notions of justice and his own principles by bringing to the gallows all who concealed their booty, or refused to share it with himself. When required, he provided also a few additional victims in the form of persons who had committed no offence whatever. Sometimes he destroyed them because they were unfortunately in possession of evidence against himself, sometimes only because a heavy reward had been offered for the conviction of any one who might have perpetrated a great crime, and because, with the gang at his back, it was quite as easy to prove the case against the innocent as against the guilty, and not less convenient." Wild's greatness had a sudden fall. He was arrested for coming to the rescue of a highwayman near Bow, and his enemies at once took courage. He was speedily overwhelmed with evidence, and was hanged in 1725.[1]

[1] His skeleton (as also Eugene Aram's skull) is in the museum of the Royal College of Surgeons of England (Osteological Series, No. 336). He was of low stature.

A more recent example of a criminal who exhibited mental qualities of a high order and capacities of organisation, though under different conditions from those under which Wild flourished, is furnished by Edward Kelly, the Australian bushranger, the leader of the Kelly gang.

Ned Kelly, as he is usually called, was born in 1854 near Kilmore, in Victoria, but his ancestors came from Ireland, and on both sides the future outlaw may be said to have had outlawry in his blood. His maternal grandfather, James Quin, was a notorious horse-stealer; his paternal grandfather took part in the Irish insurrection of 1798; while his father, who was transported for an agrarian outrage in Tipperary, is described as a man who possessed all the virtues of his race, but with something of the rebel in him that would not harmonise with civilisation. At an early age Kelly and his younger brother began to follow in the steps of their ancestors, but went little beyond horse-stealing until a fray occurred in which a constable was wounded. This incident is still obscure; it is said the constable made improper advances to Kelly's sister, but in any case Kelly was intensely exasperated, especially as his mother, to whom he was always devotedly attached, was sentenced to a long term of imprisonment for wielding a frying-pan in the fray. Thenceforth the Kellys took to the bush. The Kelly Country, as it is sometimes called, covers about 1600 square miles in the north-east of Victoria, a wild and picturesque region of forest and valley and mountain. All over this district, and beyond it, the outlaws had friends and sympathisers; an army of police, detectives, spies, and blacks were on their track, but they were always warned in time, although

a price of £8000 was set on the heads of the four chief outlaws. When an encounter occurred it was the police who left their dead on the field, and on one occasion, indeed, the police preferred to hide under the beds of their hotel rather than fight. Kelly's men were mostly of ferocious character, but he had them under perfect control; while his sister Kate was ready to leap into her saddle by day or by night to carry messages or food, or to test the trustworthiness of waverers. The outlaws wore iron caps and breast-plates fashioned from ploughshares, which withstood the best modern rifles. Kelly himself is described as a fine and noble-looking man, tall and well-proportioned, with a flowing brown beard. He never permitted any unnecessary violence, was always ready to respond to an appeal to sentiment, and showed the greatest consideration for women and children. His chief exploits consisted in "sticking up" banks. The raid on the Euroa bank is a wonderful example of his generalship and of that fine economy of means in attaining a startling success which stamps the master-mind. It was necessary to obtain a base for the operation; coming down with his three men to a squatter's station near the town, he quietly explained what he wanted, obtained refreshment, and even kept his victims in good humour. In a few hours all hands on the station, including several gentlemen who were armed, were left locked up in the store-room, within a few yards of the railroad, in charge of one of the band. On the same afternoon, in broad daylight, the outlaws drove up in two carts to the bank in the centre of the town. A revolver was held at the head of the manager, Mr. Scott, and before he had time to seize his own from

the table before him, all the gold and notes were secured to the amount of nearly £3000, and Kelly was soon on terms of the "utmost good feeling and affability" with Mrs. Scott. Then he harnessed the manager's buggy, and the whole household was invited to depart, Mrs. Scott driving the buggy. The raid was arranged for bank-closing time, and the townspeople supposed that the Scotts were starting on a pleasure trip. The bank party were left at the squatter's station with the others, now over forty in number; Kelly gave strict orders that no one was to leave the house for three hours after the departure of the gang, and so great was his moral authority that none disobeyed him. An end came at last to the impunity of the outlaws, and they were surrounded by overwhelming numbers. Even then Kelly himself escaped, but returned to give himself up, seeing that his men were doomed; when the police in the early dawn saw the tall figure, on which their shots produced no effect, we are told that some thought they had seen a ghost and were overcome with terror. Kelly was executed; the other outlaws had committed suicide. There are curious points of resemblance in Kelly's story to the doubtless legendary story of the famous old English criminal, Robin Hood, though, while the latter has been idealised by the ballad-makers, Kelly's exploits have been vulgarised by the reporter and the police-court. Yet both are episodes in an imperfectly evolved society, in which much of the virtue and more of the skill are on the side of the rebels.[1]

[1] In the above account of Kelly I have largely quoted from an article of my own (mainly founded on H. A. White's *Tales of Crime in Australia*) in the *Saturday Review*.

§ 4. *Vanity.*

The vanity of criminals is at once an intellectual and an emotional fact. It witnesses at once to their false estimate of life and of themselves, and to their egotistic delight in admiration. They share this character with a large proportion of artists and literary men, though, as Lombroso remarks, they decidedly excel them in this respect. The vanity of the artist and literary man marks the abnormal element, the tendency in them to degeneration. It reveals in them the weak points of a mental organisation, which at other points is highly developed. Vanity may exist in the well-developed ordinary man, but it is unobtrusive; in its extreme forms it marks the abnormal man, the man of unbalanced mental organisation, artist or criminal.

George Borrow, who was so keen a student of men, has some remarks on the vanity of criminals in regard to dress:—"There is not a set of people in the world more vain than robbers in general, more fond of cutting a figure whenever they have an opportunity, and of attracting the eyes of their fellow-creatures by the gallantry of their appearance. The famous Sheppard of olden times delighted in sporting a suit of Genoese velvet, and when he appeared in public generally wore a silver-hilted sword at his side; whilst Vaux and Hayward, heroes of a later day, were the best-dressed men on the *pavé* of London. Many of the Italian bandits go splendidly decorated, and the very gipsy robber has a feeling for the charms of dress; the cap alone of the Haram Pasha, a leader of the cannibal gipsy band which infested Hungary towards the conclusion

of the last century, was adorned with gold and jewels to the value of four thousand guilders. Observe, ye vain and frivolous, how vanity and crime harmonise. The Spanish robbers are as fond of this species of display as their brethren of other lands, and, whether in prison or out of it, are never so happy as when, decked out in a profusion of white linen, they can loll in the sun, or walk jauntily up and down." He then describes the principal features of Spanish robber foppery.[1]

More significant and even more widely spread is the moral vanity of criminals. "In ordinary society," said Vidocq, "infamy is dreaded; among a body of prisoners the only shame is not to be infamous; to be an *escarpe* (assassin) is the highest praise." This is universally true among every group of murderers or of thieves; the author of a large criminal transaction is regarded by all his fellows as a hero, and he looks down upon the others with contempt; the man who has had the misfortune to be imprisoned for a small or, in the opinion of criminal society, disreputable offence, represents himself as the author of some crime of magnitude.

A Russian youth of nineteen killed an entire family. When he heard that all St. Petersburg was talking of him, he said: "Now, my schoolfellows will see how unfair it was of them to say that I should never be heard of." It is this same weak-minded desire to excite interest and sympathy which leads young men and women of ill-balanced mental organisation to commit suicide in some public and startling fashion. The same feeling, and also, doubtless, the need for expression, leads to the frequency with which

[1] *The Bible in Spain*, chap. xl.

criminals keep diaries. The Marquise de Brinvilliers wrote a minute account of her vices and crimes which was brought up in evidence against her;[1] Wainewright appears to have kept a diary of this kind which also fell into other hands; John Wilkes Booth, the shallow-brained young actor who killed President Lincoln, had, with his stagy patriotism, some of the characteristics of the instinctive criminals, showing themselves especially in his morbid vanity. The chief suffering he felt after the deed was to his vanity. He wrote in his diary: "I struck boldly, and not as the papers say; I walked with a firm step through thousands of his friends; was stopped, but pushed on. A colonel was at his side. I shouted *Sic Semper* before I fired. In jumping broke my leg. I passed all the pickets. Rode sixty miles that night, with the bone of my leg tearing the flesh at every jump." And again he writes: "After being hunted like a dog through swamps, woods, and last night chased by gun-boats till I was forced to return, wet, cold, and starving, with every man's hand against me, I am here in despair. And why? For doing what Brutus was honoured for—what made Tell a hero." And again: "I am abandoned, with the curse of Cain upon me, when, if the world knew my heart, that one blow would have made me great."

The excessive vanity of the criminal sometimes leads him to commit the imprudence of talking about his plans beforehand, and so courting detection. Before killing three rich men, a murderer was heard to say, "I want to do something great: oh, I shall be talked about!" We hear of Wainewright's "insati-

[1] This extraordinary document is reproduced in Lombroso's *Donna Delinquente*, p. 455.

able and morbid self-esteem." He enjoyed the respect paid to him in prison, and insisted upon being treated as a gentleman. A prisoner concluded a letter to her accomplice, "Your Lucrezia Borgia." Sometimes the vanity of the criminal shows itself in the artistic or dramatic representations which he makes of his crime.

The Abbé Moreau has described the reception of a great criminal by his fellows at the prison of La Grande Roquette. He is immediately surrounded, though the curiosity remains respectful; "he is a king in the midst of his subjects; envious looks are cast at those privileged individuals who have succeeded in placing themselves near him; they listen eagerly for his slightest word; they do not speak their admiration for fear of interrupting him, and he knows that he dominates and fascinates them."

§ 5. *Emotional Instability.*

The criminal everywhere is incapable of prolonged and sustained exertion; an amount of regular work which would utterly exhaust the most vigorous and rebellious would be easily accomplished by an ordinary workman. (He is essentially idle; the whole art of crime lies in the endeavour to avoid the necessity of labour.) This constitutional laziness is therefore one of the chief organic bases of crime. Make idleness impossible and you have done much to make the criminal impossible. It is not without reason that French criminals call themselves *pègres* (from *pigritia*), the idle. Lemaire, a notorious French criminal of the beginning of the century, was speaking for all his class when he said to his judges: "I

have always been lazy; it is a shame, I admit, but I am not adapted for work; to work one needs an effort, and I am incapable of it; I only have energy for evil; if one must work I do not care about life; I would rather be condemned to death."

While he is essentially lazy, and exhibits this even in his general neglect of personal cleanliness (though sometimes dressed outwardly as an ordinary man of the world), the criminal is capable of moments of violent activity. He cannot, indeed, live without them; they are the chief events of his spiritual life.

Louis Desprez, an unfortunate *littérateur*, imprisoned at Saint-Pélagie for a literary offence, "summed up the psychology of criminals," remarks M. Émile Gautier, "in one picturesque formula: They see the world under the aspect of an immense gaol alternating with an immense brothel. And this is true. For them imprisonment is the normal condition. Liberty is their holiday, an occasional transitory holiday, during which they wallow in the *far niente* and debauch, like sailors who consume in three days the earnings of eighteen months, but a holiday which will have an end, a foreseen and expected end."

The criminal craves for some powerful stimulus, excitement, uproar, to lift him out of his habitual inertia. That is why the love of alcohol is in all countries so strong among criminals. The man who is organised as we have seen the criminal to be must have some powerful stimulant to take him out of himself, to give him a joy which is otherwise beyond his grasp, and alcohol is the stimulant which comes easiest to hand. When, as frequently happens, he is the child of alcoholic parents, the craving for drink

PLATE XIII.

soon obtains morbid intensity. Crime and drink are intimately bound together, although we must beware of too unreservedly setting down drink as the cause of crime. Both crime and drink are the morbid manifestations of organic defects which for the most part precede birth. The abuse of alcohol is not, however, universal among criminals, at all events when any intellectual ability is required. "It would not do to drink in our business," said a sharper to Lombroso.

The criminal finds another strong form of excitement in gambling. The love of cards is even more widely spread among criminals than the love of drink. It frequently becomes a passion. Lauvergne tells of a band of criminals who played for two days without intermission. We hear of a French prisoner who gambled away his meagre rations of bread and wine and at last died of starvation; of another who in the excitement of the game forgot his approaching execution.

To all forms of sexual excitement, natural and unnatural, criminals of both sexes resort, often from a very early age. The prison, in which the criminal is confined alone, or with persons of the same sex, serves to develop perverted sexual habits to a high degree. Prince Krapotkine, speaking of the moral influence of prisons on prisoners in France, writes:—"The facts which we came across during our prison life surpass all that the most frenzied imagination could invent. One must have been for long years in a prison, secluded from all higher influences and abandoned to one's own and that of a thousand convicts' imaginations, to come to the incredible state of mind which is witnessed among some prisoners. And I suppose that I shall say only what will be supported by all intelli-

gent and frank governors of prisons, if I say that the prisons are *the* nurseries for the most revolting category of breaches of moral law."[1] There is unquestionable evidence that the same practices exist, notwithstanding all discipline, in English prisons.

Such practices grow up chiefly as a means of excitement and diversion in vacuous lives. Love, in its highest and strongest forms, seems to be extremely rare. This is true even when love is the cause of the crime. The love, even when strong, remains rather brutal. When a man was asked if he really loved the woman for whose sake he had murdered her husband, he replied: "Oh, if you had seen her naked!"

The craving for excitement, for intoxication, for uproar, finds its chief satisfaction in the love of orgy, which is now almost confined, at all events in its extreme forms, to the criminal and his intimate ally, the prostitute. The orgy is the criminal's most sacred festival; here he attains his highest experiences of forgetful exhilaration. Vidocq, still a criminal at heart, even after he had become a police official, has described the orgy in his *Memoirs*:—"Imagine a rather large square hall, with walls, once white, now blackened by exhalations of every kind: such is, in all its simplicity, the aspect of a temple of Bacchus and Terpsichore. At first by a very natural optical illusion, one is only struck by the smallness of the place, but when the eye succeeds in piercing the

[1] *In Russian and French Prisons*, pp. 335, 336. See also Mr. Davitt's book. Salillas gives a vivid picture of the fearful extent to which sexual perversity rules in Spanish prisons, especially in the prisons for women. The governor of one prison recently used all his influence to put an end to this state of things. The women compelled him to resign.

atmosphere, thick with a thousand vapours which are not inodorous, the size becomes manifest by the details which escape from the chaos. This is the moment of creation; everything clears up; the mist dissipates, becomes peopled and animated; there is movement, agitation, not of empty shadows but of substantial forms which cross and interlace in every direction. What beatitude! What a joyous life! Never for epicureans were so many felicities gathered together as here for those who love to wallow in mire. Around, rows of tables, on which, without their ever being cleaned, disgusting libations are renewed a hundred times a day, serve to frame in a space which is reserved for what are called the dancers. At the end of this infectious den rises, supported by four worm-eaten pillars, a kind of platform, its construction hidden by two or three fragments of old tapestry. On this hencoop the musicians are perched, two clarinets, a fiddle, a loud trombone, and a deafening drum. . . . In this receptacle one finds none but prostitutes and their bullies, sharpers of all kinds, swindlers of the lowest sort, and a good many of those disturbers of the night whose lives are divided into two parts, one consecrated to rowdyism, the other to robbery."

More interesting than this resort to external sources of stimulus, and more significant of emotional instability, are the spontaneous outbursts of excitement common among criminals, curious self-evolved intoxications springing from mysterious and incalculable depths of the organism. Dostoieffsky has studied these outbursts and admirably described them. "A prisoner has lived tranquilly," he tells us,[1] "for

[1] *Recollections of the Dead-House*, chap. v.

several consecutive years, and his conduct has been exemplary. All at once, to the great astonishment of his guardians, he mutinies and recoils before no crime, even murder or rape. Every one is astonished. This unexpected explosion is the anguished, convulsive manifestation of personality, an instinctive melancholy, a desire to affirm the degraded *ego*, an emotion which obscures the judgment. It is like a spasm, an access of epilepsy; the man who is buried alive and who suddenly awakes strikes in despair against his coffin-lid; he strives to push it back, to raise it; his reason convinces him of the uselessness of all his efforts, but reason has nothing to do with his convulsions. It must not be forgotten that nearly every manifestation of the personality of the prisoner is considered a crime; also that the question whether the manifestation is important or insignificant is perfectly indifferent to the prisoner. Risk for risk, it is better to go to the extreme, even to murder. It is only the first step that costs; little by little the man is carried away and can no longer be held in." The prison has much to answer for in the development of these emotional outbreaks, and it is only in prison that there is opportunity of studying them. It would, however, be rash to conclude that they are entirely due to prison conditions. They are in harmony with all that we know of criminal psychology, and it is not alone under prison conditions that they are the causes of crime.

In Germany these periodic explosions (known as *Zuchthaus-Knall*) have been described by Delbrück and Krafft-Ebing. In Italy they have been noted by Lombroso, especially in very hot weather and at such times as epileptic attacks are most frequent, and he

regards them as fresh proof of a close relationship between the instinctive criminal and the epileptic. In England they appear to be rare in men, but, on the other hand, common in women who have, in prison language, "broken out." This wild fit of maniacal violence which from time to time seizes on the women confined in prisons, and might almost be regarded as an exaggerated or vicarious form of orgy, has been studied with some care in England. Here as well as abroad it is frequently supposed to be a voluntary insubordination deserving punishment.

A lady superintendent thus described the "breaking out" to Mayhew:—"Sometimes they know when the fit is coming on, and will themselves ask to be locked up in the refractory wards. When they're in these fits they're terribly violent indeed; they tear up and break everything they can lay their hands on. The younger they are the worse they behave. The most violent age, I think, is from seventeen to two or three and twenty;—indeed, they are like fiends at that age very often." The medical officer told him that "4 per cent. of the whole of the prisoners, or 20 in 600," were subject to such fits of violent passion, and these were almost invariably from fifteen to twenty-five years of age. "Women," he added, "seldom injure themselves or those around them, though they will break their windows, and even occasionally tear their own clothing to ribbons."[1]

Miss Mary Carpenter, in her *Female Life in Prison*, reproduces what she tells us is a characteristic dialogue:—

"'Miss G., I'm going to break out to-night.'

[1] H. Mayhew, *Criminal Prisons of London*, 1862, p. 188.

"'Oh, nonsense; you won't think of any such folly, I'm sure.'

"'I'm sure I shall.'

"'What for?'

"'Well, I've made up my mind, that's what for. I shall break out to-night—see if I don't.'

"'Has any one offended you or said anything?'

"'N-no. But I *must* break out. It's so dull here. I'm sure to break out.'

"'And then you'll go to the "dark" [cell].'

"'I want to go to the "dark."'

"And the breaking out often occurs as promised; the glass shatters out of the window frames; strips of sheets and blankets are passed through or left in a heap in the cell; the guards are sent for, and there is a scuffling and fighting and scratching and screaming that Pandemonium might equal, nothing else."

Dr. Nicolson has made an interesting observation as to the periods when these "breakings-out" are most liable to occur. "At dates corresponding with the menstrual period there is a greater likelihood of their occurrence. Besides having verified this in several cases myself, I have the testimony of experienced prison matrons to the same effect." These maniacal outbursts of hysteria may be compared to the somewhat similar effects observed especially at the menstrual periods among the epileptic, the insane, and the imbecile. Thus Dr. H. Sutherland (*West Riding Asylum Reports*, vol. ii.), from observations on 500 inmates of the West Riding Asylum, remarks that in epileptic insanity the fits are generally increased in number, and the patients generally become excited at the catamenial period; while the mania exacerbations usually occur at this time. He

notes the frequency of excitement, violence, indecent language, tearing up clothes, etc., among insane women generally at this period. In a girl with congenital imbecility, who became violent, cruel, and capricious at puberty, Dr. Langdon Down noted that the monthly period was always marked by insubordination, violent language, rude gestures, and untruthfulness. In ordinary healthy young girls the onset of the monthly period is often marked by a fit of unusual boisterousness.

It must be mentioned that Näcke, who has made some interesting observations regarding *Zuchthaus-Knall*, is unable to confirm Nicolson's observation as to the existence of any close connection between such outbreaks and the menstrual period, and he quotes Günther, who found such a connection well marked in a minority of cases but not in the majority.[1] There can be little doubt, however, that the menstrual period favours any general tendency to emotional instability. This is shown not only by the evidence from prisons and asylums, but also by medico-legal evidence. At the Paris Prefecture of Police, Legrand du Saulle found among 105 women accused of theft that 49 were undoubtedly insane, and that the other 56 belonged to a semi-pathological class; in this latter class of approximately normal persons 35 were at the menstrual period, while 5 were pregnant, and 10 had either passed the climacteric or were suffering from the debility of profuse hæmorrhage.[2] Among 80 women arrested for disorder or for wounding, Lombroso found that only 9 were not menstruating.[3]

[1] Näcke, *Verbrechen und Wahnsinn beim Weibe*, 1894, p. 80.

[2] Quoted by Icard, *La Femme pendant la Période Menstruelle*, p. 136.

[3] *La Donna Delinquente*, p. 373. Icard, *loc. cit.*, deals very fully

The period of the year seems also to have some influence on the emotional instability. Miss Carpenter remarks that "the prisoners are always the most ill-behaved at Christmas time," perhaps because this period has, even before the days of Christianity, been associated with excesses. Among the men at Elmira, judging from the charts given by Dr. Wey, there is a tendency to insubordination in the autumn, and also in the spring. In Spanish prisons, it appears from Salillas's *Vida Penal en España*, quarrels and arrests are much more common in spring and summer than at any other season. Thus, to take one record: March–May, 8; June–Aug., 9; Sept.–Nov., 4; Dec.–Feb., 3. Two suicides both occurred in September.[1]

Very interesting is the instinctive and irresistible character of criminal impulses, as shown by evidence which there is no good reason to impeach. Casanova, speaking of his clever schemes of fraud, says: "When I put into execution a spontaneous idea which I had not premeditated, it seemed to me that

with the influence of menstruation in relation to criminal acts, and gives many illustrative cases; see also Krafft-Ebing, "Die Bedeutung der Menstruation für das Zustandekommen geistig unfreier Züstande," *Jahrbucher für Psychiatrie*, Bd. x., 1892; also P. J. Kowalewski, "Der Menstruationzustand," *St. Petersburger Med. Woch.*, Nos. 24 to 27, 1894; the last-named three writers are emphatically of opinion that the presence of menstruation, even in the absence of insanity, should cause mitigation of punishment. Most English and German authorities hesitate to lay this down absolutely. See, however, discussion at Ipswich meeting of British Medical Association, 1900; Wynn Westcott stated at this meeting that, in his experience as a coroner, of 200 women who committed suicide, the majority were at the change of life, while the younger women appeared to be menstruating. (*Lancet*, 11th August 1900.)

[1] For further evidence on these points see Havelock Ellis, *Studies in the Psychology of Sex*, vol. ii., pp. 101-103.

I was following the laws of destiny, and yielding to a supreme will." Several pickpockets have said to Lombroso: "You see, in those moments of inspiration (*sic*) we cannot restrain ourselves, we have to steal." "I did try very hard, Miss," the women will sometimes say to the matron, remarks Miss Carpenter, "but it wasn't to be. I was obliged to steal, or to watch some one there was a chance of stealing from. I did try my best, but it couldn't be helped, and here I am. It wasn't my fault exactly, because I *did* try."

Joe Bragg (*alias* Albert Bourke) in his *Confessions* well describes how, after being reformed, he relapsed. He saw a man on his back asleep. "Instead of going right on I stopped and sat on the top rail of a fence over against him. No one was about. I thought to myself, 'There is a gift if I were "on the cross," but I am religious now, and cannot touch him.' I resolved, however, to have a close look at him. When I got close beside him I noticed a bulge in one of his trousers pockets. 'That I may know what a chance I am throwing away,' I said to myself, 'I'll just see what he has in that pocket.' I there found nine pounds ten in gold. Taking a sovereign, I put the rest back into his pocket. I intended to take this pound merely as a loan, and closely examined his features that I might know him again, to return it to him when I should be in better circumstances. When I had reached Harris Street, which was only a short distance from where he was lying, I looked back at him. Pulling the catechism and prayer-book out of my pocket, I looked at them. I cast my lamps [eyes] over their pages and became sceptical. There was a sink close at hand. Throwing them both into the sink, I danced about and swore and blasphemed like

a maniac. I then went back to the bug and got the eight pounds ten. I also took a little silver he had in his other trousers pocket, and his boots, which were new; and, only I saw a man at a distance coming towards us, I should have taken his trousers."

In some cases, as is obvious from many of the descriptions already quoted, the emotional instability of criminals shows itself in forms which recall the phenomena of epilepsy.[1] Lombroso and some others, especially in Italy, have insisted that there is a very close connection between criminality and epilepsy—a connection seldom admitted in England, where, perhaps on account of the prevalence of a more narrow conception of epilepsy, the connection is only found to exist in a comparatively small number of cases. Ottolenghi, however, in a careful study of 265 cases, as they came before the Italian courts during the course of seven years, found not less than 80 epileptic cases, or 30 per cent. There were 31 cases of motor epilepsy, and 78 of "psychic epilepsy" (the two groups overlapping); the various forms of psychic epilepsy were as follows:—Vertiginous, 20 cases; unconscious and automatic, without violence, 2; ambulatory automatism (procursive epilepsy), 16; so-called *iracondia morbosa epilettica*, 25; violent psychic attacks, leading to crimes of blood (*raptus*, crepuscular state), 13; purely intellectual psychic epilepsy, 2. Not every one would regard all these cases as epilectic. The definition of epilepsy, suggested by

[1] An excellent summary of some of these phenomena, without special reference to what is seen among criminals, may be found in Sir William Gowers's lecture on "Minor Epilepsy," *British Medical Journal*, 6th Jan. 1900.

Ottolenghi himself, is as follows:—"A functional degenerative syndroma, characterised by *convulsion*, which takes, more or less intensely, one or other of the following forms:—Motor, sensory, or psychic (intellectual or emotional) convulsion, according to the character of the individual in whom it is manifested."

When we put true epilepsy out of consideration, we still find that the emotional instability of criminals expresses itself in forms which have a close superficial resemblance to epileptic attacks. As regards Italian criminals at Naples, this has been clearly pointed out by Penta, who is unable to accept the complete identity of congenital criminality and epilepsy. He is dealing with the simulation of insanity and epilepsy, which is extremely common among Neapolitan criminals, and after describing the phenomena witnessed, he points out that there really is a borderland between simulated and real mental maladies. "In the great majority of cases, however, we have only to do with vehement emotional crises, such as those of the savage, the imbecile, the child, who are often moved by an unsatisfied caprice to roll on the ground, tear their clothes, scratch, wound, and bite those they meet, destroy, break, or throw into the fire whatever comes into their hands; these emotional crises in the field of conduct are like some forms of agitation in the field of motility; they resemble but are not identical with either epileptic or hysterical convulsions, yet having certain characters of both; an important element in these phenomena is the moral character of the criminal, weak, mobile, excessively emotional, puerile, even hysterical, his excitable nature lacking in high inhibitory impulses. Such

crises are not epileptic, but they are always strange and morbid."[1]

That such outbursts as these may take the form of crime, and that in such cases the crime is really effected, more or less consciously, as a method of therapeutic treatment[2] is indicated by a very significant incident narrated by Captain Maconochie. Maconochie says of a convict at Norfolk Island: "One of them at length showed strong indications of approaching insanity. He became moody, and twice attempted to destroy himself. I thought that possibly change of occupation and diet might benefit him; and I brought him to my own garden in consequence, and sought to feed him up. But he rather got worse. I remonstrated with him, and his answer was a striking one: 'When I used to be in this way before, I could get into trouble [commit an offence and incur severe punishment] and that took it out of me; but now that I try to behave myself, I think that I am going mad altogether.'" A pickpocket said to Marro: "When I see any one pass with a watch in his pocket, even though I have no need of money, I feel a real need to take it." Dostoieffsky, giving a minute account of one of the convicts who was most feared, but who was sincerely devoted to him, says: "He sometimes stole from me, but it was always *involuntary;* he scarcely ever borrowed from me, so that what attracted him was not money or other interested motive." Once it was a Bible, which

[1] P. Penta, *Revista Mensile di Psichiatria Forense*, 1898, No. 4, p. 119.

[2] It is known that motor outbursts, even if confined to speech, have a beneficial effect on the organism. See, *e.g.*, A. F. Chamberlain, *The Child*, p. 170.

he sold to obtain drink. "Probably he felt a strong desire for drink that day, and when he felt a strong desire for anything it had to be satisfied. I endeavoured to reproach him as he deserved, for I regretted my Bible. He listened to me without irritation, very peacefully; he agreed with me that the Bible is a very useful book, and he sincerely regretted that I no longer possessed it, but he felt no repentance, not even for an instant, for having stolen it; he looked at me with such assurance that I immediately ceased to scold him. He bore my reproaches because he judged that it could not be otherwise, that he deserved to be blamed for such an action, and that I ought to abuse him, in order to relieve myself, as a consolation for the loss; but privately he esteemed it a folly, a folly which a serious man would have been ashamed to speak of. I even think he regarded me as a child, an urchin who does not understand the simplest things in the world."

Precisely the same instinctive and involuntary impulses, unaccompanied by shame, are found among various lower races. Of the natives of British New Guinea, for instance, it has been said, "They are inveterate thieves, but they experience no sense of shame when they are discovered. They frequently say that they can feel an irresistible power which compels them to put out their hand and close it upon some article which they covet, but which does not belong to them."[1]

§ 6. *Sentiment.*

It may seem a curious contradiction of what has already been set down concerning the criminal's

[1] Report of British Special Commissioner, 1887.

moral insensibility, his cruelty, and his incapacity to experience remorse, when it is added that he is frequently open to sentiment. It is, however, true. Whatever refinement or tenderness of feeling criminals attain to reveals itself as what we should call sentiment or sentimentality. Their cynicism allies itself with sentiment in their literary productions. Their unnatural loves are often sentimental, as revealed in the character of the tattoo marks. Two interesting examples of criminal sentiment have recently been recorded by Dr. Lindau. A German criminal (it is perhaps as well to note that he was a German) having murdered his sweetheart most cruelly, went back to her house to let out a canary which might suffer from want of food. Another, after having killed a woman, stayed behind to feed her child which was crying. Lacenaire, on the same day that he committed a murder, risked his own life to save that of a cat. Eugene Aram was very indulgent to animals. Wainewright was always very fond of cats; in his last days "his sole companion was a cat for which he evinced an extraordinary affection." One of the chief characters of Wainewright's essays is their sentimentality. Himself, when in prison, he described as the possessor of "a soul whose nutriment is love, and its offspring art, music, divine song, and still holier philosophy."

All prisoners make pets of birds, or animals, or flowers, if they get the chance. This is simply the result of solitude, and has no connection whatever with criminal psychology. It is found, if anything, more frequently among non-criminal prisoners. No one has described better than Dostoieffsky, in his *Recollections of the Dead-House*, the part that animals

play in the lives of prisoners. He describes at length the goat, the horse, the dogs, the ducks, the eagle. No one who has once read it may forget the history of the eagle. The eagle would not be tamed; solitary and inconsolable, he refused all food; at last his mournful despair aroused the sympathy of the convicts; they resolved to liberate him, bore him to the ramparts on the cold and grey autumn afternoon, and stood long and wistfully watching him as he winged his way across the steppes, free.

Family affection is by no means rare among criminals. Often indeed, as is well known, it constitutes the motive for the crime. It is very rare to find a prisoner who is not touched by an allusion to his mother. Inspector Byrnes, of New York, says: "Remember that nearly all the great criminals of the country are men who lead double lives. Strange as it may appear, it is the fact that some of the most unscrupulous rascals who ever cracked a safe, or turned out a counterfeit, were at home model husbands and fathers. In a great many cases wives have aided their guilty partners in their villainy, and the children too have taken a hand in it. But in as many all suggestions of the criminal's calling were left outside the front door. There was George Engles, the forger. His family lived quietly and respectably, mingled with the best of people, and were liked by all they met. George Leonidas Leslie, *alias* Howard, who was found dead near Yonkers, probably made away with by his pals, was a fine-looking man, with cultured tastes and refined manners. Billy Porter and Johnny Irving were not so spruce, but they would pass for artisans; and Irving is said, in all his villainy, to have well provided for his old mother and his

sisters. Johnny the Greek paid for his little girls' tuition at a convent in Canada, and had them brought up as ladies, without even a suspicion of their father's business reaching them. I know this same thing to be done by some of the hardest cases we have to contend with."

Inspector Byrnes also mentions a celebrated burglar and forger of America, called by the fraternity "the Prince of Thieves," on account of his great liberality; "it is a well-known fact that he has always contributed to the support of the wives and families of his associates when they were in trouble."

The criminal appreciates sympathy. Dostoieffsky tells how immediately the convicts responded to a governor who was affable and good-natured, and treated the prisoners as equals: "They did not love him, they adored him. . . . I do not remember that they ever permitted themselves to be disrespectful or familiar. On the contrary. When he met the governor the convict's face suddenly lighted up; he smiled largely, cap in hand, even to see him approach." Prince Krapotkine quotes and confirms the observations of Dr. Campbell, an experienced prison surgeon. By mild treatment, says Dr. Campbell, "with as much consideration as if they had been delicate ladies, the greatest order was generally maintained in the hospital." He was struck with that "estimable trait in the character of prisoners—observable even among the roughest criminals; I mean the great attention they bestow on the sick. The most hardened criminals," he adds, "are not exempt from this feeling."

Such sentiment as this—limited, imperfect, fantastic, as it may sometimes seem—is the pleasantest spot in

PLATE XIV.

criminal psychology. It is also the most hopeful. In the development of this tenderness lies a point of departure for the moralisation of the criminal. What a ruined fund of fine feeling, for instance, was concealed in the young thief, recorded by Lombroso, who committed suicide by hanging, having first set his shoes on the bed between two straw crosses, as though to say, "I am going; pray for me." "If one thinks of it," adds Lombroso, "it is a pathetic poem."

§ 7. *Religion.*

In all countries religion, or superstition, is closely related to crime. The Sansya dacoits, in the Highlands of Central India, would spill a little liquor on the ground before starting on an expedition, in order to propitiate Devi. "If any one sneezed, or any other very bad omen was observed, the start was postponed. If they heard a jackal, or the bray of the village donkey, their hearts were cheered; but a funeral or a snake turned them back. They were also very superstitious about their oil. The vessel was not allowed to touch the ground until the oil had been poured upon the torch, and then it was dashed on the earth; and from that moment until the job was finished no water touched their lips."[1]

Thieves have long believed, and to some extent still believe, that a dead man's hand is useful in burglary, any candle placed in it not being seen. This belief exists in England, Germany, France, and Spain. Corpse candles, made of human fat, are believed to have the same valuable property. In England it is said that the professional burglar

[1] Kitts, *Serious Crime in an Indian Province*, p. 83.

always carries a small piece of coal in his pocket for luck. Sometimes he carries pieces of chalk, lucky-stones, rings, or rusty horse-shoe nails for the same purpose, parting with them reluctantly in prison and stipulating for their return.[1]

Among 200 Italian murderers Ferri did not find one who was irreligious. "A Russian peasant," remarks Mr. Kennan, "may be a highway robber or a murderer, but he continues nevertheless to cross himself and say his prayers." Dostoieffsky also notes the religious ardour with which the convicts gave candles and gifts to the church. All those who live by unlawful methods, said Casanova, confide in the help of God. Naples is the most criminal city in Europe for crimes against the person; the number of murderers there is about 16 in 100,000, while in Italy generally it is 8.12; and in Ireland (the least criminal land in Europe) it is about 5. Naples is also the most religious city in Europe. "No other city," observes Garofalo,[2] "can boast of such frequent processions; no other, perhaps, is so zealous an observer of the practices of the church. But unfortunately — as an illustrious historian [Sismondi], speaking of the Italians of his day, wrote—'the murderer, still stained with the blood he has just shed, devoutly fasts, even while he is meditating a fresh assassination; the prostitute places the image of the Virgin near her bed, and recites her rosary devoutly

[1] A collection of facts of this kind will be found in an article on the "Folk-lore of Criminals," *Pall Mall Gazette*, 26th December 1892. An interesting article by Professor Ferri, bringing together many facts concerning the religious nature of criminals, is contained in the *Revue des Revues*, 15th October 1895. See also Aurelino Leal, "La Religion chez les Condamnés à Bahia," *Arch. d'Anth. Crim.*, Nov. 1899.

[2] "La Criminalità nella provincia di Napoli," *L'Anomalo*, Feb. 1889.

before it; the priest, convicted of perjury, is never inadvertently guilty of drinking a glass of water before mass.' Those words of Sismondi's," Garofalo adds, "are as true to-day as when they were written." Of Marro's 500 criminals, 46 per cent. were regular frequenters of church, 25 per cent. went irregularly. Among sexual offenders the proportion of frequenters rose to 61 per cent. A man of sixty, known to Marro, imprisoned for rape on a child of eight, was much scandalised at the irreligious talk of some of his companions. "I do not imitate them," he said; "morning and evening I say my prayers."

Among women, the governor of Saint Lazare remarked to M. Joly, it is especially the criminals by passion who are superstitious, thieves very slightly so; they are practical women.

It must not be supposed that there is insincerity or hypocrisy in the religion of criminals. For the man of low culture the divine powers lend themselves easily to the succour of the individual, and it is always as well to propitiate them. German murderers believe they can do this crudely, according to Casper, by leaving their excrement at the spot of the crime. A rather higher grade of intelligence will effect the same end by prayer. A wife who was poisoning her husband wrote to her accomplice:— "He is not well . . . if God wished it. Oh, if God would have pity on us, how I would bless Him! When he complains [of the effects of the poison] I thank God in my heart." And he answers, "I will pray to Heaven to aid us." And she again, "He was ill yesterday. I thought that God was beginning His work. I have wept so much that it is not possible God should not have pity on my tears."

Lombroso found 248 tattooed prisoners out of 2,480 bearing religious symbols, while the slang of criminals witnesses to a faith in God, in the immortality of the soul, and in the Church. When a woman who had strangled and dismembered a child, in order to spite its relations, heard her sentence of death pronounced, she turned to her advocates and said, "Death is nothing. It is the salvation of the soul that is everything. When that is safe, the rest is of no account."

It is clear how easily religious beliefs and religious observances, especially in Catholic countries, lend themselves to the practices of the ignorant criminal, and it very rarely happens that the criminal condemned to death fails to avail himself of the ministrations of the chaplain (only once in more than thirty years at La Roquette), and frequently to respond to them with gratifying eagerness. In religion his primitive emotional nature, with its instability and love of sentiment, easily finds what it needs. A French chaplain of experience and intelligence told M. Joly that he had "more satisfaction" with his prisoners than with people of the world. The Rev. E. Payson Hammond, who has conducted many missions to prisoners, finds very great aptitude for conversion among them. Of the convicts of the State Prison of Jefferson City, in the United States, for instance, he remarks: "Many hearts were melted to tears, and I believe that a very large number were converted." "Convicts at their last hour," wrote Lauvergne, "nine times out of ten die religiously. Whatever the enormity of their crimes, they all leave durable recollections in the heart of the priest who assists them. He sees them long afterwards in his dreams, beautiful and happy."

When the criminal is not superstitiously devout, he is usually stupidly or brutally indifferent. Maxime du Camp, during a visit to the prison of Mazas, at service time on Sunday, had the curiosity to look into thirty-three cellules, to observe the effect of the ceremony: three were reading the mass; one stood up, with covered head, looking at the altar; one was on his knees; one displayed a prayer-book, but was reading a pamphlet; one wept with head buried in his arms; twenty-six sat at their tables, working or reading.

It seems extremely rare to find intelligently irreligious men in prison. The sublime criminals whom we meet with in Elizabethan dramas, arguing haughtily concerning Divine things and performing unheard-of atrocities, are not found in our prisons. Free-thinkers are rarely found. A trifle will induce the prisoner to inscribe himself as Protestant, instead of Catholic, or *vice versâ*, or to change from one side to the other; but out of 28,351 admissions to three large metropolitan prisons, remarks the Rev. J. W. Horsley, only fifty-seven described themselves as atheists, and this number, he adds, must be further reduced as containing some Chinese and Mahommedans. It should be noted that a profession of atheism would deprive the prisoner of no advantage or privilege open to the others. Mr. Horsley once resolved to keep notes of the first twelve consecutive cases of those who on entrance described themselves either positively as atheists or negatively as of no religion. The results were interesting: 1 was a thief, a rather ignorant person, whose chief reason for being an infidel was that his parents had "crammed religion down his throat." 2 an ex-soldier, a heavy drinker, and when asked why he had described him-

self as an atheist, "he said he only called himself mad;" he was actually insane. 3 a burglar, who said he meant that he never attended church because he had seen so much hypocrisy among professing Christians; in a few days he gave up the designation of atheist. 4 was a swindler, a great liar, and probably insane. 5 was a lad of nineteen, of very little intellect, who had deserted from the army; his father had been "a follower of Bradlaugh." 6 a German Jew, who frequented Christian churches but not having been baptised, simply did not know how to describe himself. 7 an intemperate schoolmaster, charged with deserting his family; he meant that he had ceased to attend religious worship because he was conscious that his religion was merely formal; his "atheism" was simply a form of penitent self-abnegation. 8 a conceited lad of seventeen who had assaulted his guardian, and had adopted atheism to justify his spirit of revenge. 9 a young man who had robbed his employer; he was brought up under religious influences, but having attracted attention by objecting to revealed religions, became a Secularist lecturer. 10 a prostitute and dipsomaniac with 150 convictions; always called herself an atheist when she was in a bad temper or drunk. 11 a young baker who had taken poison; called himself an atheist under influence of laudanum; goes regularly to a Congregational Chapel. 12 a girl of fifteen; she meant that she rarely, if ever, attended any place of worship. So that only in two or three, or at most four cases out of the twelve, was there profession of atheism in any legitimate sense of the word.

Like atheism, anarchism is also rare in prisons, though at the first glance we might expect this not

to be the case. Even in France, however, anarchism is rare among criminals. This has been clearly shown by Dr. Perrier, the medical officer of Nîmes prison, in his elaborate study of the criminals under his care. The individuals regarded as anarchists have usually been condemned for crimes having no connection with anarchy; in six cases out of eight, he states, they are not really anarchists at all, although they may profess subversive ideas, either as an affectation or in order to impose on the good faith of convinced anarchists. Among the 859 prisoners dealt with by Perrier there were only two real anarchists, who were not without intelligence, fond of study, very reserved, not seeking to make converts, and by their fellow-prisoners regarded as always honest and correct. In this connection Perrier quotes the opinion of a professional thief who stated that with two exceptions the explosions in Paris during 1893 and 1894 were not the work of anarchists but of ordinary criminals professing to be anarchists in order to frighten the authorities. Explosive machines were manufactured at a café which was a chief resort of theirs, and at this centre threatening letters were concocted amid much laughter and sent to magistrates; great satisfaction was experienced when these letters were taken seriously, and police posted for weeks around the house of the threatened citizens.[1]

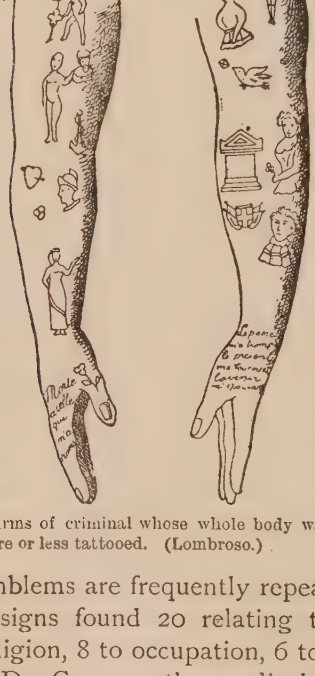
§ 8. *Tattooing.*

The practice of tattooing is very common among criminals, and is frequently carried to an extraordinary extent, twenty or thirty designs being

[1] C. Perrier, *Les Criminels*, 1900, p. 11.

occasionally found on the same subject. Lombroso was the first to point out the full biological and psychical significance of this practice.

Alborghetti found 15 per cent. of the inmates of the prison at Bergamo tattooed. Lombroso examined 100 children at the reformatory at Turin, and found 40 of them tattooed. Among 235 other youthful criminals he found 32 per cent. tattooed. Among the ordinary population tattooed children are very rarely seen. Rossi found 23 tattooed among the 100 criminals whom he has so carefully studied. Lacassagne among 800 convicted French soldiers found 40 per cent. tattooed.[1]



Arms of criminal whose whole body was more or less tattooed. (Lombroso.)

The designs vary in character, but certain emblems are frequently repeated. Tardieu out of 160 designs found 20 relating to love, 20 to war, 8 to religion, 8 to occupation, 6 to obscene practices.

Dr. Greaves, the medical officer of Derby Prison, has kindly noted details of the tattoo marks observed on the prisoners received there during three months.

[1] For the sake of comparison with the non-criminal population, it may be mentioned that among 2,739 soldiers of the Italian infantry Baroffio found only 41 tattooed—that is, 1.50 per cent.

Out of 555 persons admitted, 41 (40 men and one woman) were tattooed; *i.e.*, 7.3 per cent. The tattooed individuals were chiefly soldiers, with a few miners and sailors. The favourite devices were flags, ships, anchors, female figures, bracelets, and initials. There were two inscriptions, "Love" and "Jesus wept"; and among the less common devices were a

A French glazier, thief, deserter from army; had been in Africa. The chief figure on breast is St. George. (Lombroso.)

crucifix, Maltese crosses, a ballet girl, a mermaid, and Chinese flower-pots. The most numerous and complex figures were all found on soldiers.

The designs most frequently found by Rossi among his 23 tattooed criminals were—portrait of mistress or nude woman (8); initials, either of self, mistress, or

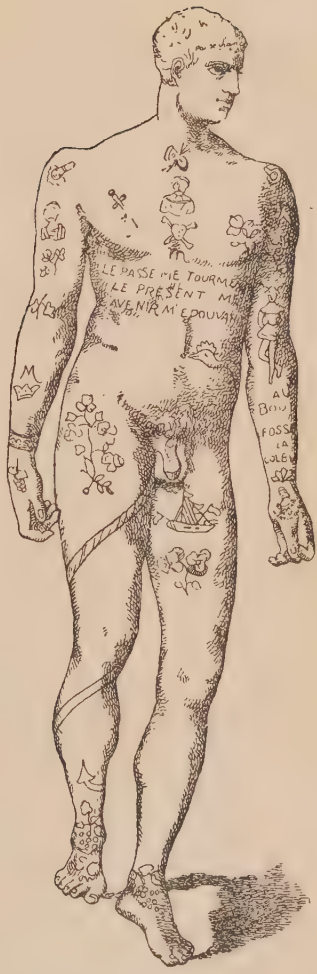
friend (9); a transfixed heart, an emblem sometimes of love, sometimes of vengeance (5); flowers, comets, swords, serpents, etc.

Tattooed inscriptions, as noted by Lacassagne, who has given special attention to this matter, are frequently characteristic of the criminal's mental attitude; here are a few of the commonest: "Son of misfortune," "No luck," "Death to unfaithful women," "Vengeance," "Son of disgrace," "Born under an unlucky star," "Child of joy," "The past has deceived me."

The favourite position for tattooing, among the ordinary population, is the front of the forearm; to a less degree the shoulders, the chest (especially sailors), or the fingers. All who are tattooed on the back or the sexual organs (according to Lombroso) have without exception either been among the Pacific islands or sojourned in a prison. The greater number of tattooed criminals are naturally found among recidivists and instinctive criminals, especially those who have committed crimes against the person. The fewest are found among swindlers and forgers, the most intelligent class of criminals. There is evidence that criminals frequently refrain from tattooing themselves because they know these marks form an easy method of recognition in the hands of the police. It appears that, in Italy at all events, the connection between tattoo marks and crime has been of late recognised by the common soldiers. In 1848 the soldiers of the Piedmontese army considered tattooing a mark of virility. Recently, when Lombroso asked a soldier why he was not tattooed, he replied: "Because those are the things that lead to the galleys;" and an army doctor assured Lombroso

PLATE XV.

Right arm of G., French thief, etc., expelled from France, and wandered in Africa and Australia. (Lombroso.)



M. J., French sailor and deserter; the nature of his crime is unknown. (Lombroso.)

that tattooed men were considered *a priori* as bad soldiers.

The causes that produce tattooing are doubtless of a complex kind. Religion was formerly and is still among some races a chief cause of the practice, which was up to 1688 practised at Bethlehem by the Christian pilgrims, and still survives at Loretto. Of 102 tattooed criminals, 31 bore religious emblems. Vengeance frequently leads to it among criminals, and among the feebler ones the spirit of imitation. Idleness often explains it among prisoners, shepherds, and sailors.[1] Vanity is almost as powerful a cause among criminals as among savages. "The more one is tattooed," said a Neapolitan soldier to Rossi, "the more one is esteemed and feared by one's companions, because it shows greater progress in the path of crime." Higher emotions always play a considerable part; and recollections of childhood and the memory of loved friends are thus recorded. Lacassagne attributes considerable importance to tattooing as a species of heraldry used by uneducated people, analogous to the banners and seals of corporations. Erotic passion is a very frequent—probably the most frequent—cause of tattooing. All sorts of symbols of love, from the initials of the loved

[1] This cause doubtless plays the chief part in keeping up the practice of tattooing among the wealthy and well-to-do. A London professor of the art, when asked by a representative of the *Pall Mall Gazette* to what class of society his customers chiefly belonged, replied: "Mostly officers in the army, but civilians too. I have tattooed many noblemen, and also several ladies. The latter go in chiefly for ornamentation on the wrist or calf, or have a garter worked on just below the knee." "On what part of the body are most of your clients tattooed?" "Mostly on the chest or arm; but some are almost completely covered, patterns being worked on their legs and back as well. They do not care to have patterns where they would be seen in everyday life."

one to the grossest emblems of unnatural passion, are very common. The tattoo designs among prostitutes are usually of this character; and such emblems are common among pæderasts and tribades. Among savages nudity is of course one of the predisposing causes, and the same cause acts among sailors and prostitutes. Lombroso attaches prime importance to atavism. In the strict sense of the word, however, I doubt very much whether we can legitimately accept the atavistic explanation. The criminal is exposed to many of the influences which lead the savage to adopt the practice, the chief of which have been already enumerated; this is a sufficient explanation of the similarity of habit, and it seems scarcely accurate to describe it as atavism. It is better described as a survival. "I regard it," Lacassagne well says in his instructive work, *Les Tatouages*, "as the uninterrupted and successive transformation of an instinct. The construction and material expression of metaphor and emblematic language were first adopted by the most elevated classes, who had no other means of communicating or materialising their thoughts. Little by little this method took refuge with those lower classes who have as yet no better means of expressing what they feel and experience. It is in these classes also that vanity, or the need of approbation, predominates, and this has a marked influence in maintaining the custom."

Tattooing is exceedingly rare among women. Out of 300 women criminals at Turin, Gamba found only five tattooed. Soresina, who examined 1000 prostitutes at Milan, did not find one tattooed. Lombroso, out of 200 criminal women, found only one tattooed;

she came from Chioggia, was an adultress who had killed her lover from jealousy, and she had associated much with sailors.[1]

Among the insane tattooing does not seem always to be uncommon. In the lunatic asylum at Ancona, we learn from Dr. Riva,[2] out of 184 men and 147 women no fewer than 16.30 per cent. of the former, and 6.80 of the latter, were tattooed. It is worthy of note that it was chiefly among the more severe and incurable cases of mental degeneration (dementia, alcoholism, epilepsy, congenital mental weakness) that these signs were found. In character and position they differed from those usually found among criminals, by being exclusively worked on the arms and hands, and consisting only of religious symbols, especially the Madonna of Loretto.[3]

Of recent years the psychological significance of

[1] "Among savage women (with the exception of the Kabyles and the Arabs) the custom," remarks Lombroso, "is very infrequent. It scarcely ever goes beyond the arms or cheeks. Still less can one say that it has been adopted by the honest women of Europe, even of the poorest class, except in some rare valleys of Venetia where the peasant women trace a cross on their arms. Parent-Duchatelet found that prostitutes of the lowest order tattooed their arms, shoulders, armpits, or pubis with the initials or name of their lover, if young, or their tribade, if old, changing these signs, even thirty times (with the aid of acetic acid), according as their caprices changed. Among the prostitutes of Verona, as I have learnt from a police official, some instances of tattooing have been noted (hearts, initials, etc.), but only among those who had already been in prison."

[2] "Il Tatuaggio nel Manicomio d' Ancona," *Cronaca del Manicomio d'Ancona*, Nov. 1888.

[3] For a study of tattooing among the insane at Marseilles, see Marandon de Montyel, *Archives de l'Anthrop. Crim.*, 1893; at Ville-Evrard (the public asylum of the Seine), among 500 insane persons, 15 per cent. were found tattooed. For a brief general study of tattooing in its anthropological relationships, see Buschan, *Handwörterbuch der Zoologie*, Bd. vii, 1898.

tattooing among criminals has become more and more widely recognised, and a number of very detailed studies have been published in various parts of the world, more especially in France.[1] In Italy, Ottolenghi has investigated tattooing and its significance among the youthful criminals, all under twenty-one, in the reformatories of Italy.[2] Among 1,399 subjects 195 were tattooed, or 13.4 per cent., a large proportion when it is remembered that considerably more than half the number of youths in these reformatories are placed there simply on the motion of their parents. The frequency of a large number of tattooings on one individual are noted; the total number of tattooings was not less than 1,287, and no part of the body was spared. The favourite designs were initials, hearts, crosses, and chains; lines, points, and geometrical figures were very frequent; no really artistic designs were found. It was ascertained that 9 per cent. of the tattooed subjects were under ten years of age. There was a very close relationship between the number of tattooings and conduct; the great majority of those who were much tattooed (56.7 per cent.) were of bad conduct, while few of those of good conduct were much tattooed.[3]

[1] See, for instance, an elaborate study by Perrier among the criminals at the Maison Centrale at Nîmes, *Arch. d'Anth. Crim.*, Sept. 1897. Batut, again, an army surgeon, has published a paper of considerable length on tattooing as it exists in France and Algeria, and has also summarised some of the more recent studies on the subject, *Arch. de l'Anthrop. Crim.*, Jan. 1893.

[2] S. Ottolenghi, "Il Tatuaggio nei Minorenni corrigendi," *Arch. di Psi.*, vol. xx., Fasc. i.-ii., 1899.

[3] In Japan also it has been found that tattooing is most prevalent among criminals of the worst type. The point has been studied in some detail by a Japanese professor of psychiatry at Tokyo (*Friedrichs Blätter für Gericht Med.*, 1898, Heft. 3). Among 1,130 criminals guilty of

In the United States Hamilton Wey finds that at Elmira tattooing exists in over 34 per cent. of the criminals there, the most common devices being initials, dancing and nude female figures, ships' anchors, wristlets, hearts, transfixed hearts, emblems of the turf, genital organs, and traceries of various kinds; and the chief motives being apparently vanity, occupation, and sexual emotion.[1] Even those writers who profess a certain hostility to the methodical study of the criminal acknowledge the extreme importance of tattooing, and Baer, in his extensive work on Berlin criminals, devotes much attention to this question; he found that among over 1000 criminals nearly 25 per cent. were tattooed, being just double the proportion found by Lombroso among Italian criminals. It is not the mere occurrence of tattooing among criminals to which significance attaches, but its extreme frequency, the extent and unusual position in which the designs are found, and above all, the nature of these designs. While exceptionally (as among sailors) it has little psychological significance, it usually serves as an indication of mental abnormality, of indiscipline, of tendency to vice.[2] It may not be strictly atavistic, but it

serious offences, the proportion of tattooed subjects was 31.5 per cent., and among those guilty of premeditated murder in this group the proportion rose to 86.4 per cent. Among minor criminals in another prison it was only 9.7 per cent. Among insane men it was 7.9 per cent. Among Japanese women tattooing is very rare. Obscene designs were almost never found, and in no case were the sexual organs tattooed. Up to the end of the sixteenth century it was common among the ordinary population in spite of edicts directed against it. In China it has been regarded as infamous from the fourteenth century.

[1] Elmira *Year-Books* for 1893 and 1895.

[2] Minovici, of Bucharest, in a study of tattooing in Roumania, came to the conclusion that of every ten people tattooed eight are criminals,

represents the persistency of a custom which is only normal among savages, and which can scarcely fail to indicate the presence of a primitive psychic condition.

The psychological significance of tattooing has been studied by Professor Berté in Sicily, where, especially in Catania (a fanatical and superstitious district), it is common.[1] It usually coincides with sexual development; no one is ever tattooed after 20-25 years of age. It is among maritime occupations that tattooing chiefly flourishes. The impulse to tattooing, Berté considers, is always a momentary whim (*bizzarria momentaria*), favoured by imitation and the prolonged idleness of the sea, the barracks, the prison, and the hospital. The impulse seems to become almost irresistible, as tattooing is often prohibited and sometimes punished by official superiors. Berté compares it to sexual aberrations, which the subject only confesses to with shame, and as belonging to a remote past. The men always seemed rather ashamed of being tattooed, and wondered why the professor wished to study "these stupidities." "The psychological cradle of tattooing," Berté considers, "is constituted by a certain degree of general nervous excitability. In the cases studied

Archives des Sciences Médicales, Nos. 1 and 2, 1899; this study is illustrated by 249 figures. Minovici found tattooing rare among prostitutes; among 700 registered prostitutes in Bucharest, in 1897, he found only 4 tattooed. In Copenhagen, however, a sea-port, 10 per cent. of the lower-class prostitutes have been found tattooed. Madia (*Il Tatuaggio nella R. Marina Italiana*, 1896) shows that even in the navy three-fourths of those tattooed are men of indifferent or bad conduct; it is less frequent in the Italian than in the French navy, and nearly always, he believes, indicates a morbid tendency to psychic weakness and intellectual deficiency.

[1] "Il Tatuaggio in Sicilia in Rapporto alla Resistenza Psichica," *Archivio per l'Antropologia*, vol. xxii., Fasc. ii.

by me the phenomenon appears in intimate and constant relation with the psychic resistance of the individual, in the sense that the more excitable the tattooed person, *i.e.*, the less his psychic resistance, the greater were the number and variety of his tattoo-marks." Individuals rich in tattoo-marks were always found to be restless and neurotic when their character and history became known. In the Italian army, I may mention, tattooed men are found to be frequently insubordinate. The tattooed criminals examined were usually individuals with exaggerated excitability, although the mere instinct of imitation is sometimes sufficient. Both in criminals and in non-criminals the phenomenon is the same and may be explained by feeble psychic resistance.

§ 9. *Thieves' Slang.*

Every profession, every isolated group of persons, almost every family possesses a more or less extended set of words and phrases which are unintelligible to strangers. This dialect is termed in English *slang*, in French *argot*, in Italian *gergo*. The most highly developed and the most widely extended slang of this kind is that used by habitual criminals. Every country has its own thieves' slang, but within the bounds of that country the slang is generally intelligible; the Lombard thief, Lombroso remarks, can understand the Calabrian; Parisian *argot* is intelligible at Marseilles. The use of criminals' slang marks the recidivist. "When a man talks *argot*," said the Abbé Crozes, "he is registered in the army of evil-doers."

"I was jogging down a blooming slum in the Chapel, when I butted a reeler, who was sporting a red slang. I broke off his jerry, and boned the clock, which was a red one, but I was spotted by a copper, who claimed me. I was lugged before the beak, who gave me six doss in the Steel. The week after I was chucked up I did a snatch near St. Paul's, was collared, lagged, and got this bit of seven stretch." That is a pickpocket's history of his arrest as narrated to Mr. Davitt. Here is the translation :— "As I was walking down a narrow alley in Whitechapel, I ran up against a drunken man, who had a gold watch-guard. I stole his watch, which was gold, but was seen by a policeman, who caught me and took me before the magistrate, who gave me six months in the Bastille [the old House of Correction, Coldbath Fields]. When I was released I attempted to steal a watch near St. Paul's, but was taken again, convicted, and sentenced to seven years' penal servitude."

Mr. Horsley has an interesting passage on English thieves' slang, which I will transcribe at length :— "Of multifold origin, it is yet mainly derived from Romany or gipsy talk, and thereby contains a large Eastern element, in which old Sanskrit roots may readily be traced. Many of these words would be unintelligible to ordinary folk, but some have passed into common speech. For instance, the words bamboozle, pal (companion, a friend), mull (to make a mull or mess of a thing), bosh (from the Persian), are pure gipsy words, but have found some lodging, if not a home, in our vernacular. Then there are survivals (not always of the fittest) from the tongue of our Teutonic ancestors, so that Dr. Latham, the

philologist, says—'The thieves of London' (and he might still more have said the professional tramps) 'are the conservators of Anglo-Saxonisms.' Next there are the cosmopolitan absorptions from many a tongue. From the French *bouilli* we probably get the prison slang term 'bull' for a ration of meat. 'Chat,' thieves' term for house, is obviously *château*. 'Steel,' the familiar name for Coldbath Fields Prison, is an appropriation and abbreviation of Bastille; and he who 'does a tray' (serves three months' imprisonment) therein, borrows his word from our Gallican neighbours. So from the Italian we get *casa* for house, filly (*figlia*) for daughter, donny (*donna*) for woman, and omee (*uomo*) for man. The Spanish gives us *don*, which the universities have not despised as a useful term. From the German we get durrynacker, for a female hawker, from *dorf*, a village, and *nachgehen*, to run after. From Scotland we borrow *duds* for clothes, and from the Hebrew *shoful* for base coin. Purely of native manufacture, however, and entirely artificial, are the two classes of rhyming and back-slang which mingle with cant to make a whole. By the former, any word that rhymes with the one you mean to use is put in its place, and gradually becomes accepted. This has the merit of unintelligibility when it is desired not to let chance passers-by know of what we are speaking, which naturally occurs not seldom in the days of detectives and plain-clothes constables. Suppose I have 'touched' (*i.e.*, been successful in some robbery), and feel inclined for some relaxation in company with my sweetheart (or one of them), I might address her thus—'Come, cows and kisses, put the battle of the Nile on your Barnet Fair, and a rogue and villain in

your sky-rocket; call a flounder and dab with a tidy Charing Cross, and we'll go for a Bushey Park along the frog and toad into the live eels.' This would apparently be but a pendant to the celebrated bit of nonsense extemporised by Foote, but, as a matter of fact, to a master or mistress of rhyming slang it would at once be understood as—'Come, missus, put a tile (hat) on your hair, and a shilling in your pocket; call a cab with a tidy horse, and we'll go for a lark along the road into the fields.' And the second class of manufactured slang is that largely patronised by costermongers. It is called back-slang, and simply consists of spelling (more or less accurately) words backwards. Thus—'Hi, yob! kool that enif elrig with the nael ekom. Sap her a top o' reeb and a tib of occabot,' is only, 'Hi, boy! look at that fine girl with the lean moke (donkey). Pass her a pot of beer and a bit of tobacco.' The art or merit of this form of slang consists in the rapidity, often remarkable, with which such words can be reversed. Thus a gentleman, wishing to test the skill of a professor of the art with a word not in common use in the market, asked his coster friend what was the back-slang for hippopotamus. At once he answered, 'Summatopoppy,' the *y* being euphoniously put for *ih*."[1] Mr. Davitt thus describes a form of slang ("thieves' Latin") commonly used by professional burglars and the superior order of thieves:—"Its chief peculiarity consists in reversing the position of the syllables of a word containing more than one syllable, and making two syllables of all words having only one in ordinary pronunciation, by adding a vowel or liquid consonant to the first or

[1] *Jottings from Jail*, pp. 2-4.

second part of such word. By the application of this simple rule to slang words, the 'lingo' becomes too complicated for any but the initiated to understand. For instance, if two thieves were hunting for game, and one were to see a policeman, he would shout to his comrade—'Islema! Ogda the opperca!' which in slang is—'Misle! Dog the copper!' Otherwise—'Vanish! See the policeman!'"[1] Very similar practices prevail in the thieves' slang of France, Italy, Spain, and India. It is doubtless, indeed, universal. Closely allied is the kind of slang called *largongi*, by which, for example, *macaroni* becomes *lacaronimique*, and *vache*, *lachevane*.

The chief interest of the slang of habitual criminals is psychological. It furnishes us with a curious insight into the mental processes of those who invent and use it; it is itself an embodiment of criminal tendencies; in Victor Hugo's vigorous phrase, "C'est le verbe devenu forçat." It is full of metaphorical expressions, of objects named after their attributes. Nearly everything is degraded, sometimes with coarse and fantastic wit. "While the imagination of the poet gives a soul to animate objects," remarks M. Joly, "the imagination of the criminal transforms living forms into things, assimilates man to animals." Thus the skin for them is leather, the face *un mufle*, the mouth *un bec*, the arm *un aileron*. The body is called the corpse, and to eat is to put something in one's corpse. The woman who supports a bully is called his saucepan (*marmite*), a friend *un poteau; ne pas être méchant* means to be a fool. Everything is thus vulgarised. The criminal instinctively depreciates the precious

[1] *Leaves from a Prison Diary*, p. 108.

coinage of language, just as to his imagination money is at Paris "zinc," and in the Argentine Republic "iron."

The soul in French *argot* is significantly called *la fausse*, and the conscience *la muette;* shame is simply *la rouge.* In English slang, as Mr. Horsley remarks, "the delicate expression 'fingersmith' is descriptive of a trade which a blunt world might call that of a pickpocket. Or, again, to get three months' hard labour is more pleasantly described as getting thirteen clean shirts, one being served out in prison each week. The tread-wheel again is more politely called the everlasting staircase, or the wheel of life, or the vertical care-grinder. Penal servitude is dignified with the appellation of serving Her Majesty for nothing, and an attempt is even made to lighten the horror of the climax of a criminal career by speaking of dying in a horse's night-cap—*i.e.*, a halter." So that while the better things of life are degraded, there is a tendency to elevate those that truly indicate degradation.

The criminal slang of France and Italy has been studied in its psychological bearings much more thoroughly than the English, by Mayor, Lombroso, and others. Lombroso considers that the most marked and most curious characteristic of criminal slang is that already noted by which a thing is designated by its most salient qualities from the criminal point of view. Thus the advocate becomes the *blanchisseur* or *imbiancatore* (washerman); the *juge d'instruction*, the *curieux* or the *père sondeur;* the sermon, *l'ennuyeuse* or *tediosa;* the purse is *la santa;* the court, *la juste.* "The guillotine," remarks M. Joly, "is designated without imprecation, without

contempt, without hatred, but with a wealth of expressions and with a resignation, one might almost say a fatalistic humour, which is not reassuring for them—or for others. The executioner himself is called the *juge de la paix*."

Etrangler un perroquet is to drink a glass of absinth, the allusion being to the colour (green), and also, it is said, to the sensation in swallowing the absinth, and to other minute points. A prostitute is the *hôtel du besoin*, a *Louis-quinze*, and also the *bourre-de-soie*, in allusion, it is said, to murmured offers and a silk dress; the brothel is *le cloaque*. In Venetian slang a promise is called a shadow. In Bavarian cant a playing card is *karzerweg*—the road to prison.

Very strange, remote, and bizarre are some of these slang synonyms, full of coarse ironies and jests. *Paradouze* = *paradis* (*douze* instead of *dix*); *saucisse* = *moi* (by way of *moi-s-aussi*); *crottard* = *trottoir*; *blanchir du foie* = to intend betrayal (play on *foi*); *perdreau* = *pederaste* (*pedro-pédero*); *herbe sainte* = *absinthe*; *être dans l'infanterie* = to be pregnant (*enfanter*); *moulin à vent* = *derrière*; *pape* = *verre de rhum* (*Rome*); *veronique* = *lanterne* (*verre*); *vert-de-gris* = *absinthe* (play on *vert* and *verre*, with allusion to its deleterious properties); *demoiselle du Pont-neuf* (that all may go over) = prostitute; *apaier* = to assassinate; *boire dans la grande tasse* = to drown oneself; a knife is a *lingre* (from Langres, the French Sheffield); the *souteneur* (a prostitute's bully) is called by the English word *fish*, or some similar name (*poisson, goujon, baraillon, maquereau*); the prostitute is called *morue*, and *Banc de Terre-Neuve* is applied to that portion of the Parisian boulevards lying between the Madeleine and the Porte Saint-Denis.

Sometimes the slang of criminals, like that of the rest of the world, commemorates a historical fact. To dethrone in France is *juilletiser*. The sun is *le grand Jablo*, Jablochoff's electric lamps having been the first used to illuminate Paris. A *coup de Raguse* is a defection, in allusion to the Duke of Ragusa. In Italy a drunkard is called a Frenchman, a beggar a Spaniard, a card-sharper a Greek. In Spain a thief is called a *Murcio*, from the province of Murcia.

Words are frequently abbreviated. As examples, Lombroso mentions *tra = travail; ces mess = ces messieurs* = the police; *chand = marchand; lubre = lugubre; abs = absinthe; avoir ses aff = avoir ses affaires* (*menstrues*); *mac = maquereau = souteneur* of a prostitute.

Very curious are the large number of foreign words, in more or less corrupted form generally, which are to be found in criminal slang. In the German cant Hebrew words are numerous; German and French in Italian; German and English in French; Italian and Romany in English. "Hebrew, or rather Yiddish," Lombroso observes, "supplies the half of Dutch slang, and nearly a fourth of German, in which I counted 156 out of 700, and in which all the terms for various crimes (except *band-spicler* for a cheater at dice) are Jewish." The presence of archaisms, classical and mediæval, is also curious.

It is more interesting to find a revelation of the things in which the criminal is most intimately interested by noting the wealth and variety of synonyms for certain words. Thus Cougnet and Righini found 17 words for warders or police; 9 for the act of sodomy; 7 for plunder. French cant has 44 synonyms for drunkenness, besides 20 for drinking,

and 8 for wine, in all 72; while there are only 19 for water and 36 for money.

This slang is largely of ephemeral life, but a considerable proportion is permanent. Its tendency is, however, to die out. The modern professional criminal avoids slang as he avoids tattooing.

It is interesting to note that, like tattooing, the predominance of slang among criminals is another instance of that psychic atavism that we find so often among criminals. Even in its precise build criminal slang is paralleled by the slang found among savage races. Of the Cameroon tribes, C. H. Richardson remarks that, "in order to have a secret language that they may use in public for private purposes, they perform the wonderful feat of speaking their language backwards, and no one who has learned their language can understand them in the rapidity with which they reverse every word of a sentence.[1] This, it will be noted, is simply back-slang, in the use of which the criminal of civilised European slums is as accomplished as the African savage. In both cases—and, as Niceforo insists, in all cases in which slang is used —it has its foundation in the fact that it is a weapon of defence, a method of concealment.[2]

Closely associated with the use of slang is the use of hieroglyphics among criminals. Idiogrammatic methods of communications are very widely spread,

[1] "Observations among the Cameroon Tribes," *Int. Congress Anth., Chicago*, 1893.

[2] For a study of slang generally, see A. Niceforo, *Il Gergo nei Normali, nei Degenerati e nei Criminali*, Turin, 1897; there is an interesting section on criminal slang in Kurella, *Naturgeschichte des Verbrechers*, pp. 218-227; Josiah Flynt's *Tramping with Tramps* has a chapter on the tramp's jargon with a glossary. *Am Ur-quell*, during 1893, dealt with criminal and non-criminal secret languages.

and when the criminal population is large they are sometimes highly developed and elaborated. In England and the United States they are chiefly used by tramps, and such signs when marked up by a tramp convey useful information to succeeding tramps. Criminal hieroglyphs appear to have been first noted in the sixteenth century, when they were used by thieves as marks to indicate houses it was proposed to burn and rob. They attracted attention from time to time, but were first seriously studied in the present century by Avé-Lallemand in 1858; in Italy, Lombroso has given considerable attention to them, and in Germany Gross has carefully studied them.[1] These hieroglyphs often show considerable æsthetic feeling. Another interesting feature is the resemblance sometimes found between the criminal ideograms of different countries; a large number are also in common between criminal women and prostitutes. It is a curious fact that a very considerable proportion, perhaps a third, of Gross's ideograms, indicate proper names; Lombroso compares the criminal hieroglyph in this respect to the savage totem. Another interesting point is the frequency with which these signs refer to the Jews; it seems evident that the Jews, as an outcast class, were at an early period thrown in close connection with the criminal classes; this is also indicated by the frequency of Hebrew words in criminal slang. Like the

[1] Lombroso, *I Palimsesti*, a book which may be referred to not only in connection with the present and preceding but also the three following sections of this chapter; H. Gross, "Die Gaunerzinken," etc., *Archiv für Criminal Anthropologie*, 1899. The interesting documents published in Jules Besse's articles in *La Vie Contemporaine*, 15th April and 1st May 1895, concern the inscriptions, letters, literature, and art of the criminals in Parisian prisons.

latter, the secret hieroglyph is a method of social protection used by outcast classes as a weapon against society; where criminal associations are highly developed the sign language reaches a corresponding development; thus in Italy, while rare in Turin, such signs are abundant among the members of the Camorra in Naples and of the Mafia in Sicily.

§ 10. *Prison Inscriptions.*

Whenever the average human being is secluded for any considerable length of time from his fellows, he experiences the need of embodying some literary or artistic expression of himself. This instinct seems to be deeper and more wide-spread than that which induces some people to leave their names or other sign manual—the frothiest effervescence of vain moments—on the places they visit. There is no vanity here, and it is an instinct from which no individual, whatever his degree of culture, is exempt; it is indeed scarcely distinguishable from the instinct which leads to the production of heroic works of art. The expression must vary with the individual. I knew a room, the residence of a long succession of medical students during certain weeks of seclusion involved by hospital duty, of which the walls were covered by inscriptions, humorous or broadly witty, cleverly artistic sketches, happy lines from the classics. Each person's inscription is after his kind. Mgr. Darboy, the Archbishop of Paris, writes in the form of a cross, "O crux, mentis robur, ave;" Bill Sykes at Clerkenwell writes, "Lads, your only friend here is your brown lofe and pint of thick."

In general, it seems, the lower the order of culture the more complete and trustworthy is the inscription as an expression of individual peculiarities. "The child loves to speak to himself," as Dr. Corre remarks; "the negro, and especially the negress, think aloud; and if from restraint or distrust the criminal keeps silent his most intimate thoughts, he feels himself compelled to fix them wherever he may find himself, on the walls of his prison, or on the books that are lent to him. It is for himself, for himself alone, that he writes what he cannot or dare not say, and these revelations are very curious for the psychologist." His desires and lusts, his aspirations, his coarse satires and imprecations, his bitter reflections, his judgments of life, are all recorded in these prison inscriptions on whitewashed walls, cell doors, margins of books, tin knives, and the bottoms of skilly cans and dinner tins. In Italy they have been studied in reference to their psychological significance with characteristic thoroughness by Lombroso; and in England Mr. Horsley and Mr. Davitt have recorded a considerable number.[1] The Italian inscriptions, on the whole, are marked by a greater preponderance of the sentimental, reflective, and imprecatory elements; the English are generally very practical and material, dealing with food questions, or giving a concise statement of the event which led to the individual's incarceration, with occasional tendency to moral aspiration and didactic exhortation. Mr. Horsley notes that comparatively few inscriptions are found on the women's side, but that these are obscene much

[1] Lombroso, *Palimsesti del Carcere*, 1891, French translation, Lyons: Storck, 1894; Horsley, *Jottings from Jail*, pp. 20-23; Davitt, *Leaves from a Prison Diary*, pp. 104-115.

more frequently than on the men's side. I conclude from Lombroso's very comprehensive collection that this remark also holds good of the Italian inscriptions. It should be added that every inscription is an infringement of prison regulations; it is "a vulgar question of bread and water to the hungry author," and the impulse which produces it must therefore be of considerable strength.

Here are a few terse English examples of exploits, probably the work of old hands, and recorded by Mr. Davitt and Mr. Horsley:—

"A burst in the City. Copped while boning the swag. 7 stretch, 1869. Roll on 1876. Cheer up, pals."

"Little Dicky from the New Cut. 10 and a ticket. Put away by a Moll" (*i.e.*, sold by a prostitute).

"Fullied for a clock and slang" (*i.e.*, committed for trial for stealing watch and chain).

"Poor old Jim, the lob crawler, fell from Racker, and got pinched" (*i.e.*, James and Racker having gone out to commit till robberies, the former was apprehended, and the latter escaped).

"For seven long years have I served them,
And seven long years I have to stay,
For meeting a bloke in our Alley,
And taking his ticker away."

"The judge he seven years gave me,
Transported to Van Diemen's Land,
Far away from my friends and relations,
And the girl with the dark velvet band."

The last writer was at Dartmoor, and introduced Van Diemen's Land because of the exigencies of rhyme.

The delights of food inspire much verse, and dis-

satisfaction with its quality or quantity a large number of remarks:—

"I had for my dinner, ochone! ochone!
One ounce of mutton and three ounce of bone!"

"Here's luck to the pint of skilly!"

"Lord save me from starvashun!"

"One more month then out we go,
Then for feed of hot Coco;
Fried Bread and steak, Plenty of Beer,
Better luck than we get here."

"Cheer up, boys, down with sorrow,
Beef to-day, Soup to-morrow."

"O for a pot of beer!"

"Love is a great thing," writes an Italian philosopher, "but hunger surpasses everything."

"O who can tell the panes I feel,
A poor and harmless sailor,
I miss my grog and every meal;
Here comes the blooming jailer."

A poet, Crutchy Quinn by name, known to Mr. Davitt, and acquainted with seven of the prisons he characterises, wrote as follows with a nail on the bottom of a dinner can:—

"Millbank for thick shins and graft at the pump;
Broadmoor for all laggs as go off their chump;
Brixton for good toke and cocoa with fat;
Dartmoor for bad grub but plenty of chat;
Portsmouth, a blooming bad place for hard work;
Chatham on Sunday gives four ounce of pork;
Portland is worst of the lot for to joke in—
For fetching a lagging there's no place like Woking."

Quinn, in spite of his name, was not an Irishman,

but two-thirds of the prison-poets, Mr. Davitt found, are Irish.

From the more miscellaneous group of sentimental, religious, moral, didactic, and reflective sayings may be quoted the following:—

"The heart may breake, yet may brokenly live on."

Mr. Davitt found a book at Newgate with "Good-bye, Lucy dear," written throughout it, and at the end—

"Good-bye, Lucy dear,
I'm parted from you for seven long year.
ALF. JONES."

A poet of a more caustic school had added beneath this—

"If Lucy dear is like most gals,
She'll give few sighs or moans,
But soon will find among your pals
Another Alfred Jones."

Remarks against women are by no means rare, as the following given by Lombroso—

"La donna è un essere inutile; io la stima soltanto quando la ch . . . NAPOLEONE I. EMPEREUR."

And another Italian writes—

"He is a poor deluded fool who believes in the love and honour of women."

But the women reciprocate this sentiment, and in an Italian illustrated magazine a woman writes—

"In this stormy sea which is called the world I have only found fleeting pleasures and cruel disillusions. And if I felt any happiness I had to pay for it with bitter tears. Never

believe in the love of men: for them love is a pastime. When you have sacrificed for them honour, family, religion, interest, youth, they will turn their shoulders to you with contempt, in search of other loves. That is the kind of thing that man is."

But the same woman writes passionately to her accomplice in murder, robbery, and adultery—

"Questo foglio dal cuor ti mando,
L' ho scritto ieri sera lacrimando,
L' ho scritto avante cena,
Senza inchiostro e senza penna.
La punta del mio cuore era la penna,
Il sangue delle mia vene era l' inchiostro,
Se penna e calamaio poco ti costa,
Se merito pietà ti prego d' una riposta.
Addio, Addio,
Addio, mio bene,
Addio, mio amore,
Tu sei il mio cuore,
Per ti morirò.
1886."

Another woman's inscription is a pathetic recollection of an old ballad—

"I wish to God my baby was born,
And smiling on its father's knee,
And I, poor girl, lay in my grave,
The green grass growing over me."

Beneath a design of a funeral monument a thief wrote this inscription (translated from Lombroso)—

"Here lies the body of poor Tulac Who, tired of stealing in this world, Goes to steal in another. His happy relatives have erected this memorial."

Very significant of mental vacuity in solitude are some inscriptions given by Mr. Horsley:—

"21,000 times have I walked round this cell in a week."
"3,330 bricks in this cell."
"131 black tiles, 150 red tiles in this cell."

Good resolutions and moral exhortations are not uncommon :—

"It's no good crying, you have got to do it, then after you have done it don't do it any more; I wont."
"Cheer up, girls; it's no use to fret."
"Brethren in adversity, turn your heart to God and be happy."
"Good-bye all. Give up drink."
"½ pint whisky brought me here—took the pledge for 2 years—renewable for ever."
"The Lord saith, It is good to be here."
"The Almighty for master, the devil for servant. Amen."
"Fear God and scorn the Devil, then you will not be here again."

The Italian inscriptions supply a more dubious exhortation :—

"O thieves! our profession is ruined by those rascally judges. But courage! Forward!"

This brief account would not be complete if I neglected to give some specimens of the imprecations, crude erotic aspirations, and perverse instincts which occupy some considerable space in Lombroso's collection. I will leave them untranslated :—

"Abbasso il direttore delle carcere e il capo-guardia, che sono due avanzi di galera. A morte le gafe [warders] e tutti le spie, a morte il capo-guardiano delle carcere, a morte l'Arca che sono la rovina di tanti giovani."
"Mia adorata stella, quando potrô ch . . . ?"
"Pensare che in questo stesso luogo vi sono tante bighe [women] che hanno volontà di farsi infilzare e non possono e

tanti p . . . che infilzerebbero un cane altro che una f . . . e non possono farlo."

"Pare impossible. Che si possa stare tanto tempo senza piantare il membro in una f . . . od in un culo. Eppure sono già 22 mesi che me lo meno due volte ogni quattro giorno e non sono ancora fisico."

The last I will give was written by a woman in a religious book, and is translated by Lombroso from the Piedmontese dialect—

"La Marietta del taglio salute le sue amiche che fanno la porca come lei, e saluta tutti i giovanotti che l'hanno ch . . . Menatevi una volta l'uccello al mio gusto, che io me la meno al vostro, e quando sarô libera venite a trovarmi che ce l'ho sempra calda e stretta tanto che volete. Allegri!"

§ 11. *Criminal Literature and Art.*

M. Joly has made some interesting investigations (which he has recorded at length in the *Archives de l'Anthropologie Criminelle*) concerning the favourite reading of French prisoners. He found that such criminals do not read either Molière or Voltaire. Nor do they care for the psychological novel of character and analysis; they have no taste and no capacity for introspection; they prefer the *rococo* style, and an old romance in five or six volumes called *Épreuves du Sentiment* is a great favourite at La Grande Roquette. This is what we should expect from that sentimentalism which has already been noted. But among the favourite prison novelists Alexandre Dumas is *facile princeps*. We must not seek to explain this by finding in Dumas a response to specific criminal instincts. In this matter prisoners are at one with a very large body of non-prisoners,

with George Sand, Tolstoi, and Rossetti at their head. It is the universally human quality in the prolific novelist, the anodyne of his entrancing and unflagging interest, the satisfaction which he offers to the love of adventure, by which Dumas fetters the criminal as well as the man of genius. The female prisoners at Saint Lazare, unlike the male prisoners, are constantly asking for Voltaire's books, which, however, the sisters are not able to supply. They are very fond of Henri Conscience, the Flemish Walter Scott, a preference which is also by no means shared by the men, and they delight in all sorts of innocent and sentimental love-stories, although their marginal annotations to these do not always admit of reproduction.

Russian criminals, as described by Melschine in a series of remarkable articles published during 1895 in the *Rousskoie Bogatstvo* (and only known to me through summaries in the *Revue des Revues*), appear to be extremely impressionable to literature. Gogol is their especial favourite. Shakespeare produces great excitement, and is understood at once.[1] When *Lear* and *Othello* were read to a group of Russian criminals they were deeply moved, and their eyes were radiant; a passionate discussion took place concerning Othello's crime. It appears to have been a Russian prisoner who prolonged his stay in prison in order to finish reading a book.

If the favourite reading of those whose criminal

[1] However it may be in Russia, these feelings do not appear to be shared by the more criminal of Shakespeare's own fellow-countrymen; Mr. Merrick, the visiting chaplain of prisons, remarks that the *Boys' Own Paper* "seems to have no limit to its popularity among prisoners, one of whom indeed said that he preferred it to 'such a child's book as Shakespeare.'"

career is decided is of an innocent character, the same cannot always be said of the literature read by the immature. There is ample and unquestionable evidence to show that a low-class literature in which the criminal is glorified, as well as the minute knowledge of criminal arts disseminated by newspapers, have a very distinct influence in the production of young criminals.[1] Troppmann, a notorious French murderer, was influenced by novels. The famous criminal Lacenaire, who glorified himself and was glorified by others, has had an influence in the production of crime down to our own day. After every celebrated or startling crime, some weak-minded and impressionable persons go and commit the like, or give themselves up to the police under the impression that they have been guilty of the crime. It is youths and children who are especially prone to the imitation of criminal events from books or from real life. After the murders associated with the name of Jack the Ripper several murders by young children took place throughout the country.

It is not, usually, until he is in prison that the criminal tries to find literary expression for himself.[2] This expression takes chiefly the form of verse, nearly

[1] See, for instance, Dr. Aubry's work, *La Contagion du Meurtre*, 2nd ed., 1896, ch. iv., and some remarks by Mr. Davitt, *Prison Diary*, p. 85.

[2] It may be noted in passing that the chief examples of prison literature are by no means examples of criminal literature, since, as we know, the prisoner is not always the criminal in any real social or biological sense. Prison literature probably includes so great a masterpiece as *The Pilgrim's Progress*, while to the same class belong so famous a work as the *Consolations* of Boethius, and so valuable a psychological document as Mme. Roland's *Mémoires Particulières*. The Rev. Dr. Dodd's *Thoughts in Prison*, though the work of a criminal skilled in literature, is of no interest.

always of a rude character, often affected or boastful, but not seldom vigorous or pathetic. A criminal has been known to declaim from the scaffold a poem on his own death; another asked and obtained permission to present his defence in verse. It would be difficult to give stronger proof of a predilection for verse forms.

A song, of which this is a translation, was heard in a Russian prison:—

"In this spot where infamy has placed for ever her dwelling, two angels pant, having in their hands a cross. . . . But at night, with measured steps, slowly, slowly, watching the prison, the sentinels turn. Within these walls are sadness and terror. Without are life, gold, and liberty. . . . But the black echo of that slow, slow step warns me: Thou shalt stay, stay." This was written and most sweetly sung by a man who had cruelly murdered his wife.

The poetic productions of English criminals, however numerous, are of no great interest; they seem to appear at their best in the inscriptions already given. Mr. Davitt has a chapter on "Prison 'Poets,'" but what he has to say of them is not encouraging, although he tells us that Portsmouth has the reputation of being "a community of imprisoned songsters," and such a specimen as the following does not produce much desire for more—

> "'Twas one fine morning I left Wakefield Jail,
> Myself and comrades we did cry our fill," etc.

One could write as well as that without being a convict.

Lamb and other good judges thought well of Thomas Wainewright, the forger and poisoner. As a

man of letters he enjoyed considerable reputation as a critic, and was certainly a man of refined artistic tastes.[1] It is to-day not easy to detect in him many signs of critical insight or fine literary ability. He was one of the writers of that "Dandy and Silver Fork School" of whom Hazlitt says:—"Macassar Oil, Eau de Cologne, Hock and Seltzer Water, Atta of Roses, Pomade Divine, glance through the page in inexhaustible confusion, and make your head giddy." His writing is but the vain froth of a nauseous life. The following extract is fairly characteristic:—"It appears to us that the time requireth not the hand of genius to give it a gusto for the tastes and feelings of what are called the lower orders,—rather the reverse! We want more macaroni and champagne, less boxing and bull beef. Now, Mr. Drama [Hazlitt] of the *London* seems determined to show his readers that his stomach is hearty—that he can relish bread and cheese and porter, which certainly are very fine things in the country, and—when we can get nothing else—and so far, all this is very well. But surely, in the centre of fashion, we might be now and then indulged with more elegant fare,—something that would suit better with the diamond rings on our fingers, the antique cameos in our breast-pins, our cambric pocket-handkerchief breathing forth Attargul, our pale lemon-coloured kid gloves! some chicken fricaseed white, for instance; a bottle of Hock or Moselle, and a glass of Maraschino." These things and the like of these were for Wainewright the only things in the world

[1] *Essays and Criticisms.* By J. G. Wainewright. Now first collected, with some account of the author, by W. C. Hazlitt. London: Reeves & Turner, 1880.

that seemed desirable, and his passion for them lay at the root of his crimes.

In the south we meet with a genuine, and often traditional, body of criminal songs which is of great interest. It is found in chief perfection in Italy and the large neighbouring islands, Sardinia, Corsica, and especially Sicily, where the civilisation is more primitive, and the level of criminality much higher. In the *Canti Siculi* of the able and enthusiastic folk-lorist, Pitré, there are twenty-seven which he describes as Prison Songs; with others rather similar in the same collection, the total amounts to forty-one (4 per cent. of the whole), mostly declarations of vengeance, laments for lost liberty, imprecations against judges and police. Some are in praise of prison, as the following:—

> "Carcere, vita mia, cara, felice!
> Lo starmi entro di te come mi piace!
> Si spicchi il capo a quel che mal ne dice,
> O pensa che far perdere la pace.
> Qua sol trovi i fratelli e qua gli amici," etc.

There are also fine notes of despair, and sweet recollections of the absent mother or sweetheart. Sardinia, a land of brigandism and assassination, has produced numerous criminal songs of interest. "The Corsican songs collected by Tommaseo," remarks Lombroso, "might be said to be almost all the creation of brigands. Nearly all breathe vengeance for a slain friend, or hatred against an enemy, and admiration for murder." A ferocious Corsican brigand, named Peverone, who used to leave his mark behind by covering his victim with capsicums (peperoni), wrote verses which, says Lombroso, "would not be unworthy of Laura's sweet singer."

In such a case as that of Corsica, we must, however, be very cautious how we use the word "criminal." In that land barbarous conceptions still rule; a child is brought up from its earliest days in an atmosphere of robbery and bloodshed; what in a more civilised country we call "crime" is there to a large extent the normal social state. It is in Corsica that a parish may vote a pension to a brigand (the *commune* of Ciammance, for example, in 1886); that more than half the persons liable to serve as jurymen in an *arrondissement* (4,400 out of 8000 in one instance) may themselves have appeared behind the bar; and where a mayor (*arrondissement* of Sartène) may issue a proclamation in the following terms:—"Art. I. The carrying of arms is formally forbidden on the territory of the commune of Levie. Art. II. Exception is made in the case of persons notoriously in a state of enmity."

As a specimen of French criminal literature I will give a poem by Lebiez, the young murderer spoken of in Chapter I.; it is addressed to a young girl's skull:—

"De quelque belle enfant restes froids et sans vie,
Beau crâne apprêté par mes mains,
Dont j'ai sali les os et la surface blanchie
D'un tas de noms grecs et latins,
Compagnon triste et froid de mes heures d'étude,
Toi que je viens de rejeter
Dans un coin, ah! reviens tromper ma solitude,
Réponds à ma curiosité.
Dis-moi combien de fois ta bouche s'est offerte
Aux doux baisers de ton amant;
Dis-moi quels jolis mots de ta bouche entr' ouverte
Dans des heurs d'égarement . . .
Insensé! . . . Tu ne peux répondre, pauvre fille;
Ta bouche est close maintenant,

Et la mort, en passant, de sa triste faucille
A brisé tes charmes naissants.
Triste leçon pour nous, qui croyons que la vie
Peut durer pendant de longs jours!
Et jeunesse, et bonheur, et beauté qu'on envie,
Tout passe ainsi que les amours!
Aussi, quand, vers le soir, âpre et dur à la tache,
Je travaille silencieux,
Mon esprit suit le monde et, tout inquiet, s'attache
A des pensers plus sérieux,
Je rêve au temps qui passe . . . alors je te regarde,
Et, songeant aux coups de destin,
Sur ton front nu je crois lire en tremblant: 'Prends garde,
Mortel, ton tour viendra demain.'"

When his papers were returned to him by the police, Lebiez wrote on the margin of this: "Poor verses! but, bad as they are, they are a faithful picture of the state of my mind in moments of solitude. In the world I am amiable and gay. I am taken for a wild fellow, who mocks at everything; but if they knew my character thoroughly, if they were aware that when I laugh and joke I have just come out of a solitude of despair and tears; if they knew that there are sobs at the bottom of my heart when smiles cover my lips, they would not say that I mock at everything. My gaiety is only a mask which hides the anguish which has for so long torn my heart."

There are one or two examples of newspapers written and conducted by prisoners. The Abbé Crozes, in his *Souvenirs de la Petite et de la Grande Roquette*, gives us specimens and a facsimile page of one of these, the *Tam-Tam*, which, however, only lasted a very short time. Here are a couple of fragments from this remarkable journal:—

FABLE EXPRESS.

"Un grand tambour-major, pressé par la famine,
Dinait d'une maigre sardine
Et s'en régalait sur ma foi!
Morale.—On a souvent besoin d'un plus petit que soi."

ECHOS ET BRUITS.

"Nons apprenons avec plaisir à nos lecteurs le projet formé par la Société Agricole de France, de se servir des oreilles de Transparent, pour se livrer à des essais sur la culture des champignons.

L'abondance et la qualité du fumier que contiennent ces vastes esgourdes, leur grandeur, leur système d'aération promettent aux amateurs de cèpes les resultats les plus satisfaisants."

Very different from the *Tam-Tam* is the *Summary*, a newspaper published at the Elmira Reformatory, New York. This newspaper, largely written by prisoners and, at one time at all events, edited by a prisoner, contains, besides original contributions and the news of the Reformatory, a summary of general news; and by its tone and its method of selection, it compares favourably, as it has been said, with many newspapers published outside prison-walls. The following contribution to the *Summary* is from "a bright young burglar," about eighteen years old, and is entitled "God and the Robin"; it has an allegorical and personal significance:—

"Early in the morning, long before the lazy cock crows, you may hear the robin singing his welcome to the sun. He has been watching through the darkness for the first rays of coming day, and as they appear he pours forth the melody as an expression of his joy. All is quiet till his music rends the air, and as you listen you are inspired with thoughts of Him who made the robin and you. Perhaps the sweet song is a prayer

of thanks to God for sheltering him from the dangers of the night. Do they know of God? Who can tell? Perhaps He is the cause of what we in our ignorance call instinct. Once as I listened to their music I fell asleep, and dreamt of a house near the sea. It had a lawn in front, on which was a robin hopping in search of food for her young. But as she hopped about the sky seemed to grow darker. I knew that a storm was approaching, and when it came I saw the robin cling to the tree for shelter. But the wind was fierce, and it tore her from the branch, and in spite of all her efforts it bore her away out over the ocean, farther and farther from the land, till at last, when its energy was spent, its fury gone, it left her on the ocean with no land in sight to guide her to her home; and as she flew she thought of her little ones at home, and of her mate. She thought she was flying to them, but every little effort was taking her farther away, though she knew it not. When at last she began to tire, she looked at the restless waters, but they offered her no relief; and in her frightened cry I seemed to hear her say, 'O where shall I rest my weary wing?' But in the murmuring of the ocean she heard no reply, so she could but fly on till darkness came, when, utterly exhausted, she fell upon the cruel waves and died. And He who made her will receive her when the course of life is past. Cannot the little robin find in that house of many mansions a place to rest her weary wing? Is heaven made for man alone? Are not these little creatures who never offend God, but worship Him with the purity and happiness of their little hearts, entitled to the joys of hereafter? Who can doubt it?"

The following interesting dialogue in the Socratic manner—"An Imaginary Conversation between two Members of the Casuistry Class"—is also by a very young criminal, who was also something of a poet:—

"Did you not agree last Sunday with the member of our class who said that life in prison is a state of slavery?

No, I did not. In fact, I am astonished at your question. I rather think it is *not* a state of slavery.

That is a very curious belief.

It may appear to be; but I think it can be proved to be

logical. You say that imprisonment for wrong-doing is slavery; but what is slâvery?

I should define it to be the involuntary subjection of one person to the will of another.

But cannot a person be a slave to passion and to other qualities of mind as well as to persons?

Yes.

Then your definition is obviously incorrect. I would define slavery as a state in which one's actions are regulated by some power over which he has no control. Would you agree with me?

Well, I think I would.

Very well. Having agreed upon a definition of slavery, we will discuss whether life in prison is slavery. Now, let me ask, why are men sent to prison?

Usually for violating the law.

Well, do you believe that men steal, for instance, voluntarily?

Undoubtedly.

Your tone is rather confident, so I daresay you can tell me *why* men steal?

In order to get certain articles that will enable them to live more comfortably, or which they desire to have.

That is, you mean that they have certain feelings—such as laziness, love of gain, etc.—which they wish to gratify?

Well, yes.

But if a man had not these feelings he would not steal?

I think not.

Then these feelings regulate his conduct in stealing?

It seems so.

But you agreed that he whose conduct is regulated by some power other than his own free will is a slave.

Well, I am afraid you have caught me again.

But do you admit it?

I do.

Then he who prevents this man from stealing is emancipating him, not enslaving him?

I see you are right.

Then one who is in prison for wrong-doing is a free man, not a slave?

Yes. But suppose that the man has been sent to prison unjustly; what then?

To answer your question, I should have to know what your conception of true freedom is. True freedom is, as it appears to me, the triumphing of the spirit or better part of man over the flesh or weaker part; that is, acting according to one's highest conception of what is right. Do you agree with me?

I do.

Then do you not think that the truly righteous man, be he in prison or out, is free? Do you not see that a man who does right, even though he lose fortune or life by doing so, is freer than the one who allows his conduct to be regulated by fear, malice, or other passions? Remember that a man may be free in a dungeon and bound down with chains, and that he may be an abject slave and be clothed in purple."

The *Summary* perhaps does something to encourage priggishness, but priggishness, it need scarcely be said, indicates a far higher moral level than the vacuous brutality which lies behind so large a proportion of prison inscriptions.[1]

An interesting department of criminal literature is constituted by the autobiographies. They are, however, not very numerous, and in most cases they have little psychological value, as the narrator is more interested in describing the details of his achievements than in revealing his own personality. A good example of the adventure type of criminal autobiographies is furnished by an American criminal, Langdon W. Moore, in *His Own Story*, published at Boston in 1893. It is an eventful story of an event-

[1] In the earlier editions of this book I here included some account of a few men of genius who might also be regarded as criminals. It now seems to me that this subject belongs rather to the study of genius than of criminality. I should like to remark that the description of Verlaine, now omitted, was founded solely on the inspection of one or two portraits. When I subsequently met Verlaine on several occasions I found that the impression of his remarkable head gained from the portraits was not in every respect accurate.

ful criminal life by a man who had abandoned that life. A much more instructive autobiography of a congenital criminal belonging to Calabria, Antonino M., was edited by A. G. Bianchi, and published at Milan in 1893, under the title of *Il Romanzo di un Delinquente Nato.* The vanity and the egoism of the true criminal, his impulsive violence, and his strange lack of perception of the moral character of his own acts, are admirably illustrated in this valuable document, and its value is increased by an elaborate psychiatric examination of Antonino M. by Professor Venturi, which is prefaced to the volume.

Of extreme psychological interest is the autobiography of an Australian criminal, Joe Bragg's *Confessions of a Thief;* these were printed in three parts for Bragg by Mr. G. E. Ardill, of the Sydney Rescue Work Society. I owe Part I. to Mr. Ardill's kindness; the other two parts, he tells me, are even more interesting; unfortunately he was unable to send them to me, not even having retained a copy himself, and though I have made various attempts to procure them through friends and correspondents in Sydney, I have so far been unable to see them. Joe Bragg's paternal grandmother, as we incidentally learn, had been in a lunatic asylum a great many years, and "had been of the same violent disposition as myself." His mother "had always a strong propensity to religion. She told me that when a girl in the service of Sir John Franklin, who was the Governor of Tasmania, she had once fasted from meat for forty days, and that during the whole of that time she had been afraid even to swallow her spittle." From the remark that in old age she was "then sober," it may be inferred that she had also been given to drink.

Thus on both sides Bragg came of insane and neurotic stocks. He was born about 1851. Up to the age of thirteen, though suffering much from neglect and hunger, he had "always been disposed to honesty;" at that age, "being left homeless and destitute by parental drunkenness and stung by the pangs of hunger," he stole a loaf of bread. He was imprisoned for three months in Darlinghurst gaol, and was thus enabled to have frequent intercourse with many hardened criminals. On the very day of his liberation he began a career of crime which lasted for twenty-two years. He was soon again imprisoned for three months, "and the instructions I received during these three months considerably improved me in my profession. The Government had placed me in a position to learn a trade, and, having learnt it, I was determined to work at it." He practised it successfully. "Before I was seventeen I had committed thousands of robberies, and had been convicted about a dozen times." Once, when he was in Paramatta gaol, he heard much praise of a young man who had recently received twenty-five lashes for knocking a warder on the head with a pick handle. Bragg resolved to emulate him. A few days after, when a warder spoke sharply to him, he struck him on the head with a billet of wood; this was the first of a long series of violent outrages, each followed by severe punishment. It is remarkable that during one period of solitary confinement he taught himself to read a little; he had previously only known the alphabet. Without sufficient food, suffering from scurvy, and addicted during long periods of solitary confinement to masturbation, he was reduced almost to a skeleton, and his mind became disordered. He

was affected for a time by an obsession of somewhat the same kind as his mother had suffered from. "For a time I tried to be religious and prayed often. If, when I thought of prayer, I did not immediately kneel down and pray I accused myself of laziness; and, thinking that God was displeased with me, I had no rest till I prayed." During a subsequent term of imprisonment he was pronounced insane by the Medical Board and sent to Gladesville Asylum. Here he pretended to be "a quiet simpleton," and ingratiated himself with the keepers, who reported favourably of him to Dr. Manning; he thus received privileges which enabled him to escape. He was, however, recaptured, although finally discharged in a month, and then proceeded to thieve for several months "in an orderly and discreet manner." Shortly afterwards he was sent to Berrima Model for six months when still only twenty-six years of age. He came out "an honest and religious man," and received religious instruction from some nuns. The story of his relapse is curious; I have quoted it elsewhere (p. 177). He recommenced thieving, spending the proceeds in public-houses or brothels. "I had become uncontrollably irritable, and was perpetually gambling." A furious attack on a constable led to a sentence of imprisonment for five years, and wild outbursts of violence frequently occurred while he was undergoing this sentence. Once he received fifty lashes. "The fifty lashes took no more effect on me than a shower of rain could take on a bullock." When in prison at the age of twenty a new and curious passion arose in him. He wished to be educated and to become an author, and studied Murray's "Grammar" for ten hours a day, until he was able to read and write. At

the same time he became thin and melancholy, and was considered as semi-insane by the authorities, who placed him in a special yard, and endeavoured to divert his mind from study. In order to gain his own way he pretended to commit suicide by cutting his throat, injuring himself, however, more seriously than he had intended, and was more closely watched. After an ineffectual attempt to escape he was placed in solitary confinement, and again turned with ardour to his studies, even making a little progress in Greek, Latin, and French. His imaginative and reflective faculties became active, but at the same time his mind became weakened. He could no longer fix his attention on a book, and had various delusions and hallucinations. He thought that people owed him money, and also imagined constantly he was meeting old enemies; he would immediately strike them or seize them by the throat, only to find that he had injured himself against the wall. He used to wrap his hands carefully in a scarf; before he could get them loose the hallucination would vanish. At the same time "as I continued to reflect I discovered that my mind was a field which had retained everything that had ever been cast into it, and that it might be dug up with the spade of reflection. For hours together I used to sit in the little shed in my yard tracing back the events of my life. I clearly recollected all the circumstances of my birth. . . . To my astonishment I found that I was alive a considerable time before my birth, and that my body was not animated all at once, as I had thought, but that my spirit strengthened with the formation of the body. I could distinctly recollect the time when my body was not quite made, and how fearful I was lest

I should be fully vivified before I was fully formed." With Bragg's liberation on the termination of this sentence Part I. of these remarkable *Confessions* comes to an end.

Subsequently to writing these confessions Bragg was again in prison for a considerable period, and further pursued his studies in Latin and French, also taking great interest in the subject of psychic research. On his release in 1898 I received a communication from Bragg containing the following passage :—"I sat down this morning with a full determination of giving you a brief account of my life from the end of the first pamphlet. I have, indeed, penned five or six pages of it, which I shall directly destroy. It is a life so full of crime and misery that it would almost drive me mad to go through it again in mind. If ever I do relate it, it will be from the platform. A good audience intoxicates and carries me away. I tell it everything." Like many others, Bragg attributes his career entirely to drink, and it is his great ambition to lecture on total abstinence all over the English-speaking world. When last heard of he was a hawker in Sydney streets, and at this time (1898) Mr. Ardill was good enough, at my request, to have the accompanying photograph taken.

A few words may be added concerning criminal art as shown in design. Lombroso reproduces numerous drawings, etc., made in prison. They are generally very rough and slight, never beautiful, but frequently expressive, rendering character, now and then, in face and attitude, with ease and felicity. Scenes of murder or robbery, law courts, men hanging from the gallows, women, mostly nude, with huge or pendent breasts, men or women in extravagantly

PLATE XVI.

perverse sexual attitudes—these are the visions which come to the criminal in prison, and to which he seeks, by such means as may be within his reach, to give artistic expression. Sexual imagery, not beautiful but gross and ugly, undoubtedly has the chief part in these designs; but it is scarcely necessary to point out that the artificial conditions under which the prisoner lives are largely responsible for this characteristic of his art, although not for its generally deliberate ugliness.

Dr. Laurent, in his work, *Les Habitués des Prisons*, has treated this matter more completely than any other writer known to me, and has reproduced some very characteristic and instructive examples of this art, although he has not dared to reproduce the more extravagant designs which he describes. What has chiefly impressed him among the large number of drawings by prisoners which have passed through his hands is the absence of any elevated thought, of any noble sentiment. In the erotic designs there is occasionally an imaginative audacity, but love is always regarded as a purely physiological act, and everywhere else the design is pathetically commonplace; it is naturalistic in the lowest sense of the word, adding nothing, suppressing nothing; and these drawings have therefore a remarkable family likeness. If there is any great artist of whom they ever remind us it is Ostade, with his perpetual research of the mean and degraded, physically and morally, in humanity. Dr. Laurent draws special attention to a design which appears to represent some winged angel of hope; there is something in the bold, predaceous face of this vulgar fairy, in the coarse firm attitude, so suggestive of the things that

alone have left a firm impress on the artist's mind, that is very pathetic. In one of those designs only is it possible to catch a glimpse of the ideal; it is the figure of a woman drawn by an educated clerk who was possessed of personal qualities which brought him into relation with women of a somewhat superior type. The face in this drawing has a tender and melancholy air; even here, however, the body is drawn in too crude and realistic a manner. Where these artists succeed best is in the photographic delineation of commonplace or unpleasant human types, such as may be seen in large cities, especially after nightfall. There is usually something hard, cynical, degraded in these types, in their whole bodies as well as their faces; they remind us of what was said of portraits executed by Wainewright, that he had contrived to put the expression of his own wickedness into them.

These artists also do not succeed in caricature, and rarely attempt it. To be successful here involves some judgment, delicacy, and insight, and these the prison artists do not appear to possess.

In the nude, as I have already mentioned, prison artists take great delight, and they even achieve a certain amount of success. There is a certain Hogarthian vigour and ease with which the faces and forms of these coarse, low-browed, animal, energetic women, with their large pendent breasts, are brought before us. The only prison sketch I have seen showing anything more than a crude sense of beauty, any real appeal to the imagination, or distinct science of form and composition, is a group of nude women in extravagant attitudes, which Dr. Laurent reproduces; he says nothing of the artist, except that he was

probably a Saint Anthony by necessity, who, in this scene as of a Sabbath of witches, has given expression to the dreams that tormented him. It is a genuine piece of fantastic art, and even recalls certain designs of the Belgian artist, Félicien Rops. This design escapes to some extent—and to some extent only—from the judgment which Dr. Laurent pronounces on the treatment of sex by criminals:—"Sex is not for them a sacred and mysterious thing, a mystic rose hidden beneath the obscure vault of the belly, like a strange and precious talisman enclosed in a tabernacle. For them it is a thing of ugliness, which they drag into the light of day and laugh at."

§ 12. *Criminal Philosophy.*

One of the most interesting and instructive departments of criminal literature is that dealing with the criminal's mental attitude towards crime. In considering the problems of crime, and the way to deal with them, it is of no little importance to have a clear conception of the social justification for crime from the criminal's point of view. Not only is he free from remorse; he either denies his crime or justifies it as a duty, at all events as a trifle. He has a practical and empirical way of his own of regarding the matter, as Dostoieffsky remarks, and excuses these accidents by his destiny, by fate. "What contributes to justify the criminal in his own eyes is that he is quite certain that the public opinion of the class in which he was born and lives will acquit him; he is sure that he will not be judged definitely lost unless his crime is

against one of his own class, his brothers. He is secure on that side, and with so good a conscience he will never lose his moral assurance, which is the main thing. He feels himself on solid ground, and by no means hates the knout which is administered to him. He looks upon it as inevitable, and consoles himself by thinking that he is not the first nor the last to receive it. Does the soldier hate the Turk who sabres him? By no means!"

To be caught is the foolish part of the business. "You are a lot of fools to get in here, myself included," is one of the prison inscriptions noted by Mr. Horsley. "Had God wished me to be different, He would have made me different," said Goethe. In the same spirit is the philosophy of crime set forth by a man known to Lombroso: "If God has given to us the instinct to steal, He has given to others the instinct to imprison us; the world is an amusing theatre!" It is rare, however, for the criminal to take so lofty a standpoint as this; more usually he bases the justification for his own existence on the vices of respectable society—"the ignorance and cupidity of the public," as one prisoner expressed it—that he is shrewd enough to perceive; "it is a game of rogue catch rogue," a convict told Mr. Davitt. A youthful French brigand in the days of Charles IX., as he impassively ascended the scaffold, declared that he was innocent, because he had never robbed poor people but only princes and lords, the greatest robbers in the world. "We are poor rogues, and so hanged, while others, no less guilty in another way, escape," pleaded Captain Bartholomew Roberts's fifty-two pirates, executed at the beginning of the eighteenth century. "Law for the rich but none for

the poor," is a modern English prison inscription which would probably have expressed its writer's meaning better if it had been transposed. *Quels gredins les honnêtes gens!*

An Italian criminal wrote in a book of "Moral Maxims" by Tommaseo: "When you have read this book become a priest or a master; if not, it will be of no use to you. There are fine maxims in this book, but maxims are no good in this world, where the god of gold reigns alone. He who has money is brave and virtuous; all the maxims of Tommaseo are of no use to him who has none; he will still be treated with contempt." A Milanese thief said to Lombroso: "I do not rob; I merely take from the rich their superfluities; and, besides, do not advocates and merchants rob? Why accuse me rather than them?" "Knowing," wrote the murderer Raynal, "that three-fourths of the social virtues are cowardly vices, I thought that an open assault on a rich man would be less ignoble than the cautious combinations of fraud." J. G. Wainewright, when in prison, said to a visitor: "Sir, you city men enter upon your speculations and take the chances of them. Some of your speculations succeed, and some fail. Mine happen to have failed." An Italian thief, one Rosati, said: "I am proud of my deeds; I have never taken small sums; to attack such large sums I consider a speculation rather than a theft." Another Italian thief said that there were two kinds of justice in the world: natural justice, that which he himself practised when he shared the proceeds of his thefts with the poor; and artificial justice, that which is protected by social laws. The criminal is firmly convinced that his imprisonment is a sign that the country is going to the dogs. A prison

inscription quoted by Lombroso runs: "I am imprisoned for stealing half-a-dozen eggs; Ministers who rob millions every day are honoured. Poor Italy!" "We are necessary," a brigand chief said proudly to his judges; "God has sent us on the earth to punish the avaricious and the rich. We are a kind of divine scourge. And for the rest, without us what would you judges do?"

This conviction of the criminality of the honest is engrained in the criminal mind, and one meets it at every turn. "Who doesn't deserve the galleys?" was a remark often heard by Dr. Lauvergne at the convict establishment at Toulon, and the same idea was cynically expressed by Lacenaire:—

> "Buvons à la sagesse,
> A la vertu qui soutient!
> Tu peux sans crainte d'ivresse,
> Boire à tous les gens de bien."

Most people must have observed, in talking with persons of vicious instincts, the genuine disgust which these so often feel for the slightly different vices of others and their indifference to their own. So the man in prison feels indulgence for his own offence and contempt for his more cautious brother outside who continues to retain the respect of society, feelings which the latter heartily reciprocates. Every individual, whatever his position, feels the need of a certain amount of *amour propre*. "I may be a thief," said one to Mr. Horsley, "but, thank God, I am a respectable man."

Among the criminal songs still found in Sardinia there is one (quoted by Lombroso from Bouillier's *Les Dialectes et les Chants de la Sardaigne*) that may

be quoted here. "Tell me," asks Achea of the priest, "if I have nothing to eat, and if I find wherewith to appease my hunger, may I take the goods of another?" "Believe me, if you have nothing to eat, and you meet with something, you would be a fool not to take it." "That is a good counsel, but here is a difficulty: what I have taken in this way, ought I to return it?" "No. The observance of the law would subject you to a fast too severe; you are a great fool if you do not understand that in the face of necessity all things belong to all." That is the morality of a lawless and primitive society, but it has points of contact with some of the latest and highest developments of social morality. Tolstoi would justify it; as, to a certain extent, a respected archbishop has justified it.

"The laws of society," remarked an educated convict to Mr. Davitt, "are framed for the purpose of securing the wealth of the world to power and calculation, thereby depriving the larger portion of mankind of its rights and chances. Why should they punish me for taking by somewhat similar means from those who have taken more than they had a right to? My dear sir," said he, "I deny your contention that there is any such thing as honesty in the world at all." This man, who had a considerable acquaintance with literature and philosophy, maintained soberly that "thieving was an *honourable* pursuit," and that religion, law, patriotism, and bodily disease were the real and only enemies of humanity. "Religion," he would observe, "robbed the soul of its independence, while society's social laws, in restraining the desires and faculties given by Nature to men for the purpose of gratification, declared war against the

manifest spirit of the law of our being." Patriotism he termed "the idolatry of an idea, in the stupid worship of which the peace of the world, and the well-being of its inhabitants, were sacrificed by the law-makers and others who profit thereby."

Lombroso found the following note written with a piece of iron in a politico-economical work, under the chapter of "Considerations on the Co-operative spirit": "The best governed nation is that which has fewest thieves. Do you want to abolish thieves? See to it that the working man and the peasant have work to do, and are better paid for it; then they will be content, and will have nothing to say against the government; in consequence they will do their duty, and will not be forced to do evil." Another, reading a book about an official who had been removed from the administration of taxes, wrote: "I advise you all to be public thieves, and then you will be free citizens and men who are useful to society, and will be decorated with medals and crosses. This man here was a public thief; but I am only a private robber; if I had been a public one I should not have been here." Again: "Why are those who wear coarse breeches treated in one way, and those who are dressed finely and wear yellow gloves treated in another? Why are the first called thieves while the others are said to have committed undue appropriation? Have not both classes broken the commandment which says simply 'Thou shalt not steal'?" In a confession made to Gisquet, the prefect of police, a different standpoint is taken up; the criminal justifies himself, not on moral grounds, but as a man of the world: "You regret the robbery that I have committed, and you call it a bad action; the insigni-

ficant act for which I have been condemned is the first link in a chain which will not, I hope, finish so soon. If I were not a thief by vocation, I would be one by calculation. I have faced all the good and the evil of other occupations, and I find that this is the best. What would have become of me among honest men? A bastard, with no one to take care of me, what could I do? Become a shopman, earn at the most six hundred francs a year, and having sweated all my life, grow old and ill and finish at a hospital. Take men in the mass and you will find them all humiliated, slaves, disgraced; it is never talent and honesty that are recompensed; vice prospers more often than virtue.

"In our profession we depend on nobody; we enjoy the fruits of our experience and ability. I know well that we may end in prison; but out of the 18,000 thieves in Paris not one-tenth are in prison, so that we enjoy nine years of freedom against one of prison. Besides, where is the working man who is not sometimes without work? For the rest, the working man has to pledge his things at the pawnshop, while we, when we are free, want for nothing, and lead a life of constant feasting and pleasure.

"The fear of being arrested, and the pretended remorse that people talk of, are things to which one soon gets accustomed, and which finish by giving a pleasurable emotion.

"And then, if we are arrested, we live at the expense of others, who clothe us, feed us, and warm us, all at the cost of those whom we have robbed!

"I will say more. During our detention in prison we think out and prepare new means of success.

"If I regret anything, Mr. Prefect, it is that I am

condemned to only a year. If it had been for five I should have been sent to a central prison, where I should have met some old hands, who would have taught me some new trick, and I should have returned to Paris clever enough to live without working.

"They talk of thieves as of persons always in misery, and who always finish their lives in prison; but they think of those whom they have seen in their apparent state when arrested. They do not consider that many have secret resources, and that most of them are clever enough to get on without ever having anything to do with justice." This man, it is clear, had aspirations and ideals which, though they found satisfaction by a different method, were much the same as those of ordinary persons. He represents the professional criminal.

The philosophy of criminals, it will be seen, is mostly an apology for their own instincts, especially for laziness. At Bordeaux, in 1891, some pseudo-anarchist criminals (to the disgust of the true anarchists) formed a body of anti-workers. The main dogma of their social philosophy lay in the assertion that work was on a level with prostitution, and that theft was nothing but restitution. Since prostitution, they argued, is the act of selling or hiring a part of oneself, the wage-earner who sells or hires his arms and his brain is a prostitute in the same sense as the woman on the street. "We do not wish to be prostitutes," they declared, "and therefore we declare ourselves anti-workers; we proclaim the right to steal in order to satisfy our material and intellectual necessities, theft being both restitution and a revolutionary method." Perrier reproduces a

long song setting forth with much lucidity the aims and ideals of these "anarchists."[1]

There is no genuine affinity between the anarchist and the criminal; as Perrier points out, there are few real anarchists in prison. Josiah Flynt, who has lived much among tramps and on the outskirts of the criminal classes, especially in the United States, and has published some valuable studies dealing with his observations, in a chapter on "The Criminal in the Open," gives the following account of the criminal's view of life:—"The criminal is not in his own class the revolutionary creature that he seems when preying upon the classes above him. His attitude towards society in general is without doubt disrespectful and anarchistic, and it is usually immaterial to him what happens to society as such, so long as he can make 'a stake'; but in his own environment he is one of the most conservative of human beings. There is no class, for instance, where old age and mature opinion receive more respect and carry more weight; and, as a general thing, the young men in it—the radical element—are expected to take a very back seat. At a 'hang-out' gathering they must always show deference to the older men; and nothing is so severely judged as 'freshness' on their part. I think this is a characteristic of the criminal that might be turned to good account if he should ever be won over to respectable living: in affairs of the state, provided he had a fair share of this world's goods, he would be found invariably on the conservative rather than on the radical side.

"There are also some things in his relations with the outside world which, in his heart of hearts, he

[1] C. Perrier, *Les Criminels*, 1900, p. 361.

regrets and repents as much as he does the misdeeds in his own world. He always feels bad, for instance, when he takes money from the poor. It sometimes happens in his raids that he makes mistakes and gets into the wrong house, or has been deceived about the wealth of his victim; and if he discovers that he has robbed a poor man, or one who cannot conveniently bear the loss, he is ashamed, and never enjoys the plunder thus won. He is too near the poor, both in birth and sentiment, not to feel remorse for such an action; and I have known him to send back money after he has discovered that the person from whom he took it needed it worse than he.

"The taking of life is another deed that he regrets far more than he has been given credit for. One thinks of the criminal as the man who has no respect for life; as one who takes it without any twitchings of conscience; but this is not the general rule. The business criminal never takes a life, if he can help it; and when he does, he expects, in court, to receive the death penalty. Indeed, he believes, as a rule, that murder deserves capital punishment; and I have often heard him express wonder at the lightness of the penalties which murderers receive. At the 'hang-out,' a favourite topic of discussion is which penalty is preferable—life-imprisonment or death. The consensus of opinion has generally run in favour of life-imprisonment, even though there be no hope of pardon; but I have never heard a whimper against the justice of the death sentence."

CHAPTER V.

THE RESULTS OF CRIMINAL ANTHROPOLOGY.

So far I have been summarising the chief results obtained in the investigation of the criminal up to the present date by many workers in various lands. There is not very much doubt about the results here recorded ; even when they do not agree among themselves, it is still generally possible to account for the divergency by the special character of the group to which the individuals examined belong. But when we come to consider the significance of the facts we are no longer on such safe and simple ground. There is, however, no reason here for surprise when we remember how youthful a science criminal anthropology is. Even the related science of general anthropology is still young, and much of our progress in it still lies in the unlearning of our errors, so that, as Virchow recently remarked, we know considerably less about anthropology to-day than we knew some years ago. The same is true of another related science, the study of insanity. If therefore my conclusions as to the place of the criminal in nature may seem to be somewhat cautious and tentative, it must be remembered that we are still slowly feeling our way to firm ground. Few as are the general conclusions which we may boldly assert, they are yet sufficient to throw a flood of new light on the nature of the criminal, and on his treatment and prevention.

I purpose to touch briefly on certain relationships of crime and the criminal, the consideration of which will lead us naturally to a clearer view of the criminal's position. We will glance at (*a*) the biological beginnings of crime, (*b*) crime among children, (*c*) the criminal woman as distinct from the criminal man, (*d*) the relation of crime to vice, (*e*) crime as a profession, (*f*) the relations of crime to epilepsy and insanity.

(*a*) The biological beginnings of crime have been examined by Lombroso, Lacassagne, and Ferri; and by some have even been traced as far back as the vegetable world. Thus Lombroso seems to claim those insectivorous plants studied by Darwin and others as belonging to the category of criminals. I doubt whether by any tenable definition of the criminal such a classification can be upheld, and Lombroso himself speaks with less than his usual decision. An act which is common to a whole species cannot reasonably be described as criminal. It may be unjust, even cruel, but it does not thereby necessarily become criminal. If the *Dionea Muscipula* that eats an insect is a criminal, much more must the European man who eats beef or mutton be a criminal. To be criminal the deed must be exceptional in the species, and must provoke a social reaction among the other members of that species. We can scarcely hope to find genuine vegetable criminals, even amongst the parasites.

When we are dealing with the criminality of animals, concerning which a large body of evidence has now accumulated, it is necessary to discriminate. It is well recognised by veterinary surgeons that certain horses are inclined to be undisciplined and

revengeful, and that these characteristics are associated with distinct cranial anomalies; the Arabs believe these qualities to be hereditary. There is here certainly a very close analogy to the instinctive criminal; but we are dealing with an animal greatly modified by man, and these vices are not recorded as exercised against their own species so much as against man. The case (apparently well authenticated) of the horse who pretended to be lame, to avoid going on military exercise, can scarcely be called criminal; from a horse's point of view this might be regarded as a justifiable ruse. The same may be said of the action of the dog who, finding his favourite place occupied by another dog, went outside and set up such a furious barking that the usurper came out to see what was the matter, when the rightful owner immediately pounced on his old corner. Such a ruse, even though perpetrated against one of the same species, is not anti-social. It is only when we are dealing with animals of the very highest order of intelligence that we find any manifestations that can be at all fairly described as criminal. Thus among the highly intelligent castors, the lazy castor is pitilessly chased away by his fellows, to die of hunger, alone, far from the colony. Idleness, as we know, is a very fundamental characteristic of the criminal, and the strongly marked social reaction that we see here shows that the castors have recognised this. Something of the same kind is seen among elephants. Certain elephants, called rogues, lead a solitary and unnatural life, and are lacking in the humane and gentle disposition peculiar to elephants generally. The anti-social character of these elephants is recognised by their fellows, and when the solitary elephant

endeavours to penetrate into the family life of the ordinary elephant he is everywhere repulsed, and naturally grows still fiercer and more anti-social. Such examples as these are the nearest approaches among animals to what we call criminality.[1]

We have to realise clearly what constitutes criminality when we turn to the lower human races. To say, as has been asserted, that among savages criminality is the rule rather than the exception, is to introduce confusion. Among many savages infanticide, parricide, theft and the rest, far from being anti-social, subserve frequently some social end, and they outrage, therefore, no social feeling. These acts are not anti-social; and many recent investigations, such as those of Élie Reclus, show that there is under the given conditions a certain reasonableness in them, although among us they have ceased to be reasonable, and have become criminal. On the other hand, many acts which the needs or traditions of a barbarous society have caused to be criminal become in a higher phase of society trivial or beneficial.

Tarde remarks, that of the ten crimes which the Hebraic law punished with stoning, nine have even ceased to be offences in our modern European societies, and the tenth (rape) has only remained a crime by entirely changing its character; it has become a crime against the person instead of a crime against property. He observes also that in a savage society one of the chief criminal types would be that of the delicate and artistic natures, sensuous and sensitive, ill adapted for pillaging neighbouring tribes.

[1] For an interesting article on criminality among animals, see Ferrero in *Forum*, 1895: there are some observations on abnormal and anti-social conduct among rooks by F. E. Baines, in *Nature*, of May, 1896.

We have found a use for these people; they minister to our pleasures, and we render them nothing but homage. But if we are wise we shall be very tender in arousing our indignation against the social habits of lower races, even when these involve such an act as parricide, for the distance between ourselves and even the lowest races is quite measurable. Our social code is not far removed from that of the Maori who considered that it was murder to kill the man to whom he had given hospitality, but not murder to run his spear through the stranger whom he met on his morning walk. We to-day regard it as a great crime to kill our own fathers or children; but even the most civilised European nation—whichever that may be—regards it as rather glorious to kill the fathers and children of others in war. We are not able yet to grasp the relationship between men. In the same way, while we resent the crude thefts practised by some lower races, we are still not civilised enough to resent the more subtle thefts practised among ourselves which do not happen to conflict with the letter of any legal statute.

Criminality, therefore, cannot be attributed indiscriminately even to the lowest of races. It consists in a failure to live up to the standard recognised as binding by the community. The criminal is an individual whose organisation makes it difficult or impossible for him to live in accordance with this standard, and easy to risk the penalties of acting anti-socially. By some accident of development, by some defect of heredity or birth or training, he belongs as it were to a lower and older social state than that in which he is actually living. It thus happens that our own criminals frequently resemble in physical and

psychical characters the normal individuals of a lower race. This is that "atavism" which has been so frequently observed in criminals and so much discussed. It is the necessarily anti-social instinct of this lowlier organised individual which constitutes the crime. This accounts for the fact that, while in those districts where brigandage is opposed to popular feeling brigands are often abnormally constituted individuals, in other districts where there is no social feeling against brigandage (as in some outlying parts of Italy) the brigand may present no unusual characteristic, mental or physical. The social environment exerts no selective influence; there is nothing to thrust the abnormal person into brigandage rather than into any other occupation.

To admit, therefore, in the criminal, a certain psychical and even physical element belonging to a more primitive age is simple and perfectly reasonable.

The recognition of the atavistic element in the criminal's psychical or even physical constitution by no means binds us to an exclusively atavistic theory of the criminal. As regards the physical stigmata, Féré believes[1] that a pathological or teratological theory of criminality excludes an atavistic theory, and that "degenerescence and atavism are two absolutely distinct facts." It is difficult to see how this can be the case. Practically, the phenomena that we call atavistic are often due to arrest of development; it is impossible to say that arrest of development is never due to a pathological cause. Even when an atavistic character reappears by reversion in the strictest sense, our knowledge of embryonic conditions is still too vague to enable us to say whether or not

[1] Féré, *La Famille Nevropathique*, 2nd ed., 1898, p. 38.

the conditions that led to its appearance could fairly be called pathological. Marro asserts, on the other hand, that "the appearance of atavistic characters is always an indication of disease."[1] Such distinctions are, in fact, merely verbal. If, with Virchow, we regard pathology as the science of anomalies, it certainly includes the phenomena of atavism. As regards psychical atavism, we have to recognise that the criminal, being often a person of undeveloped psychic constitution, often tends to revert to the undeveloped modes of thought and feeling common among primitive peoples, such reversion being frequently aided by the conditions of his environment.

Darwin many years ago suggested that criminality may be due to atavism. Speaking of the appearance of blackness in sheep by reversion, he remarks: "With mankind some of the worst dispositions, which occasionally without any assignable cause make their appearance in families, may perhaps be reversions to a savage state, from which we are not removed by very many generations. This view seems indeed recognised in the common expression that such men are the black sheep of the family."[2] Alienists have often made similar observations. Thus Hack Tuke,[3] describing a typical case of moral imbecility, remarks: "Such a man as this is a reversion to an old savage type, and is born by accident in the wrong century. He would have had sufficient scope for his blood-thirsty propensities, and been in harmony with his environment, in a barbaric age, or at the present

[1] Marro, *La Pubertà*, p. 229.

[2] *Descent of Man*, 2nd ed., 1881, p. 137.

[3] "Case of Congenital Moral Defect," *Journal Mental Science*, 1885.

day in certain parts of Africa." Again, Mr. L. Owen Pike, the historian of crime in England, who is not an alienist or an anthropologist, writes:—"Of a very great number of modern habitual criminals it may be said that they have the misfortune to live in an age in which their merits are not appreciated. Had they been in the world a sufficient number of generations ago, the strongest of them might have been chiefs of a tribe. . . . With the disposition and the habits of uncivilised men which he has inherited from a remote past, the criminal has to live in a country where the majority of the inhabitants have learned new lessons of life, and where he is regarded more and more as an outcast as he strives more and more to fulfil the yearnings of his nature."[1] Tarde, the cautious *juge d'instruction*, has expressed the same idea in almost the same words: "Some of them at least would have been the ornament and the moral aristocracy of a tribe of Red Indians."[2] Again, Professor Prins of Brussels, only slightly varying the same formula, remarks: "The criminal of to-day is the hero of our old legends. We put in prison to-day the man who would have been the dreaded and respected chief of a clan or a tribe." The energy with which Lombroso has advocated the atavistic element in the criminal is well known; while Colajanni, in many respects an opponent of Lombroso, remarks: "How many of Homer's heroes would to-day be in a convict prison, or at all events despised as violent and unjust."

That this resemblance is not merely superficial, but that some perversity or arrest of development some-

[1] *History of Crime in England*, 1876, 2nd series, p. 509.
[2] *La Criminalité Comparée*, 1886, p. 27.

times produces an individual inapt to our civilisation, but apt to a lower civilisation which we have outgrown, and which we call criminal, we have had occasion to observe repeatedly in our brief summary of the facts of criminal anthropology. It is by no means an extraordinary fact; it is not so extraordinary as that human beings should occasionally be born with cervical auricles or supernumerary breasts—reversions to very far more ancient days. It is not easy to gather up into one statement the various real or apparent atavistic anatomical peculiarities noted among criminals. Perhaps the most general statement to be made is that criminals present a far larger proportion of anatomical abnormalities than the ordinary European population. Now this is precisely the characteristic of the anatomy of the lower human races: they present a far larger proportion of anatomical abnormalities than the ordinary European population. It is true that our knowledge of the anatomy of the lower human races is still incomplete, but the evidence so far as it goes is perfectly clear. It will be sufficient to quote the distinguished anatomist to whom were entrusted the skulls collected during the most important scientific expedition of modern times. Sir William Turner, summing up the *Challenger Report* concerning these crania, writes:—"Although their number is certainly too limited to base any broad generalisation on, as to the relative frequency of occurrence of particular variations in the different races, there is obviously a larger proportion of important variations than would occur in a corresponding number of skulls of the white races."[1]

[1] Thus, for example, the squamoso-frontal articulation is found in less than 2 per cent. of European skulls, whilst it is found in 20 per

Our survey of the psychical characteristics of criminals showed that they constantly reproduce the features of savage character—want of forethought, inaptitude for sustained labour, love of orgy, etc. It may not be out of place to remark that we must not attribute these to the direct influence of atavism. When an original vice of organic constitution has thrown an individual into a more primitive and remote strata of society, the influence of environment will itself simulate the effects of atavism and exaggerate its significance. If the organic impulses of a man's constitution have led him to throw in his lot with brigands, he will not fail to live as a brigand lives—that is, as a barbarian lives. This is not atavism, though it may be the outcome of atavism, or arrest of development.[1]

(*b*) The development of crime is precocious. Rossi ascertained at what age 46 of his 100 criminals commenced their criminal career. Of these 46, no less

cent. negroes (Ecker) and 16.9 per cent. Australian skulls (Virchow). Again, the spheno-pterygoid foramen is found in 4.8 per cent. European skulls and in 20 per cent. American Indians, 30 per cent. Africans, 32 per cent. Asiatics, and 50 per cent. Australians. So also wormian bones are more common among the lower races.

It may be remarked that so far as variation in size is concerned, Pearson has shown reason to believe that civilised man is more variable than uncivilised man. (See Alice Lee and Karl Pearson, "Mathematical Contributions to the Theory of Evolution," *Proceedings Royal Society*, vol. 61, 1897.) From the present point of view, however, mere variation in size is an unimportant part of the great field of variation, and without much significance.

[1] A remarkable instance of this simulated atavism is the frequency with which (according to Lacassagne, *Archives de l'Anthropologie Criminelle*, 1886) rapes are effected by methods common among lower races, and even animals. This is not atavism, but the criminal, being a man of primitive organisation, will naturally exercise the brutality and lack of consideration which belong to a lower race.

than 40 began before the age of twenty—*i.e.*, 1 at four years of age, 2 at seven, 6 at eight, 1 at nine, 5 at ten, 1 at eleven, 3 at twelve; and so on.[1] The evidence from France, from England, and from America gives very similar results. Children may even become expert professional criminals, and not in Europe alone. Thus, in India, where of recent years professional poisoning has assumed great development, and to a large extent taken the place of thuggi, "a Brahman boy at Bahraich, in May 1885, drugged a party of men travelling with the agent of the Rajah of Mohsan. Although only twelve years old, this was his fifth appearance in the dock. Another boy, a few months later, cooked some pulse for three pilgrims from Gaya; and the pilgrims were picked up shortly afterwards insensible near the railway yard at Allahabad. This boy had been charged with committing a similar offence in the May previous, but had got off because the complainants, impatient of the law's delay, changed their story, and attributed their delirium to the heat of the sun." The Sonorias, again, in the north-west provinces of India, are wonderfully expert pickpockets, and they train up their children in the same paths. "A Sonoria boy of ten or twelve years, with his pretty innocent face and his clean silk clothes, is a most attractive little object of villainy. His hand slides into a pocket, and he hands over the contents to a man behind him, who in his turn makes them over to a third, and returns to watch over the urchin. If caught, the boy cries and protests

[1] It may be noted that Rossi found the same precocity in the abuse of alcohol, in the form of wine—*i.e.*, 11 when children, without knowing the precise age; 2 at five years, 3 at eight, 1 at nine, 6 at ten; and so on. And sexual precocity was even more notable.

his innocence, but his volubility is against him, for no honest native child can talk like a Sonoria boy."[1]

It is more interesting to note that there is a certain form of criminality almost peculiar to children, a form to which the term "moral insanity" may very fairly be ascribed. This has been described by Krafft-Ebing, Mendel, Savage, and others, and is characterised by a certain eccentricity of character, a dislike of family habits, an incapacity for education, a tendency to lying, together with astuteness and extraordinary cynicism, bad sexual habits, and cruelty towards animals and companions. It shows itself between the ages of five and eleven, and is sometimes united with precocious intellectual qualities. There can be no doubt that many of these develop into instinctive criminals. Sometimes these characters only appear at puberty, together with exaggerated sexual tendencies, in children who have previously been remarkable only for their mental precocity, but whose energy seems now to be thrown into a new channel.

It is a very significant fact that these characters are but an exaggeration of the characters which in a less degree mark nearly all children. The child is naturally, by his organisation, nearer to the animal, to the savage, to the criminal, than the adult. Although this has frequently been noted in a fragmentary manner, it is only of recent years that the study of childhood, a subject of the gravest importance, has been seriously taken up by Perez and others.

The child lives in the present; the emotion or the desire of the moment is large enough to blot out for

[1] E. J. Kitts, *Serious Crime in an Indian Province*, 1889, pp. 8, 85.

him the whole world; he has no foresight, and is the easier given up to his instincts and passions; our passions, as Hobbes said, bring us near to children. Children are naturally egoists; they will commit all enormities, sometimes, to enlarge their egoistic satisfaction. They are cruel and inflict suffering on animals out of curiosity, enjoying the manifestations of pain. They are thieves for the gratification of their appetites, especially the chief, gluttony, and they are unscrupulous and often cunning liars, not hesitating to put the blame on the innocent when their misdeeds are discovered. The charm of childhood for those who are not children lies largely in these qualities of frank egotism and reckless obedience to impulse.

Most people who can recollect their own childhood —an ability which does not, however, appear to be very common—can remember how they have sometimes yielded to overmastering impulses which, although of a trivial character, were distinctly criminal. The trifling, or even normal character of such acts in childhood is too often forgotten by those who have to deal with children. Mayhew, writing in 1862, when these childish "crimes" were still taken seriously to a terrible extent, remarks:— "On our return from Tothill Fields, we consulted with some of our friends as to the various peccadilloes of their youth, and though each we asked had grown to be a man of some little mark in the world, both for intellect and honour, they, one and all, confessed to having committed in their younger days many of the very "crimes" for which the boys at Tothill Fields were incarcerated. For ourselves, we will frankly confess, that at Westminster School, where we passed some

seven years of our boyhood, such acts were daily perpetrated; and yet if the scholars had been sent to the House of Correction, instead of Oxford or Cambridge, to complete their education, the country would now have seen many of our playmates working among the convicts in the dockyards, rather than lending dignity to the senate or honour to the bench."

In many persons the impulses of childhood persist in a more or less subdued form in adult age. The impulses are not yielded to so readily, or at all, but they are still felt. The examples have often been quoted of the distinguished alienist, Morel, who, as he narrates himself, seeing a workman leaning over one of the Seine bridges, felt so strong an impulse to throw the man into the river, that he had to rush away from the spot; and of Humboldt's nurse, who, at the sight and touch of the new-born child's rosy flesh, felt the temptation to kill it, and was obliged to entrust it to some one else. These morbid impulses are perhaps more closely related to insanity than to criminality, but it is on a borderland that is common to both. Both child and criminal are subject to such impulses.

In the criminal, we may often take it, there is an arrest of development. The criminal is an individual who, to some extent, remains a child his life long—a child of larger growth and with greater capacity for evil. This is part of the "atavism" of criminals. Mental acuteness is often observed among criminal children; it is rare among criminal adults. There is evidently arrest of development at a very early age, possibly a precocious union of the cranial bones. Among savages, also, the young children are bright,

but development stops at a very early age. All who have come very intimately in contact with criminals have noted their resemblance to children. Thus that profound and sympathetic observer, Dostoieffsky, in his *Recollections of the Dead-House*, summing up some of the light-hearted, easy-going characters of the convicts, says: "In one word they were children, true children, even at forty years of age." And elsewhere he quotes a saying concerning the exile: "The convict is a child; he throws himself on everything that he sees."

Of recent years attention has several times been called to the frequency with which the physical signs of infantilism, and the somewhat allied characters of feminility, are found among criminals. Brouardel has dealt with some types of the criminal in which these characters are found; and Laurent in Paris, Wey in the United States, have insisted on the frequency and significance of these characters.[1]

(*c*) It is interesting to consider the sexual variations in criminality. Women are everywhere less criminal than men.[2] The proportion varies, however, greatly in different countries. In France it is usually about 4 to 1; in the United States it is about 12 to 1; in

[1] See Appendix B, "Criminality in Children."

[2] It has been questioned by some how far this sexual difference in criminality is real. Thus Miss Frances Kellor, in an interesting article on "Sex in Crime" (*International Journal of Ethics*, 1898), argues that the sexes are really equal in criminality, but that the leniency of men—who make and administer the law—towards women, and the fact that many of the offences chiefly prevalent among women are not of a kind that the law takes cognisance of, produce the apparent excess of male over female criminality. On the question of sexual difference in criminality see H. Ellis, *Man and Woman*, ch. xv.; H. Campbell, *Differences in the Nervous Organisation of Man and Woman*, pp. 129-130; W. D. Morrison, *The Causes of Crime*.

Italy and Spain the proportion of women is very small.[1] In Great Britain, on the other hand, the proportion of criminal women is, though diminishing during recent years (owing probably to changes in police regulations), extremely large, especially for the greater crimes. There has indeed been on the whole a steady increase in the proportion of women criminals in England; in 1834 they were less than 1 in 5; of recent years they have been more than 1 in 4. The greater tendency to recidivism in women has been very widely noted, and is extremely well marked in England, where it is rapidly increasing, and is associated, it seems, with growing habits of alcoholism. Of incorrigible recidivists a very large proportion in Great Britain are women; and 40 per cent. of the women committed to prison during 1888 had been previously committed more than ten times.[2] Even among the juvenile offenders discharged from reformatory and industrial schools as incorrigible, it appears that the proportion of girls is double that of boys.

[1] In India, according to Mouat, among 300,000 criminals the proportion is 28 males to 1 female.

[2] Mr. Horsley has compiled from the Judicial Statistics the following table of individuals committed more than ten times, with proportion to total of recommittals:—

Year.	Male.	Female.	Male.	Female.
1879	3706	5673	8.3	22.4
1880	3691	5800	8.3	23 6
1881	3618	6773	8.2	27.3
1882	4148	7496	8.8	27.4
1883	4391	8946	8.9	29 3
1884	4734	9316	9.4	30.2
1885	5188	9451	10.0	31.6
1886	5074	8981	10.1	33.2
1887	5686	9764	11.1	34.2

While men criminals are everywhere in a more or less marked majority, there are certain crimes which both sexes commit about equally, and these are usually the most serious. Thus, as Quetelet remarked, nearly as many women are poisoners as men, and of parricides 50 per cent. are women. The crimes of women are essentially domestic, against fathers and husbands and children. A very large proportion are, directly or indirectly, of a sexual character. It is curious in this connection to note that Marro finds marked physical resemblances between women criminals generally and the class of male criminals guilty of sexual offences; such are less length of arms and hands, less cranial capacity and greater extension of the transverse curve of the head.

It is worth while to enumerate briefly the probable causes of the sexual variation in criminality. There are perhaps five special causes acting on women: (1) physical weakness, (2) sexual selection, (3) domestic seclusion, (4) prostitution, (5) maternity.

There are firstly the physical and psychical traditions of the race embodied in the organisation of men and women. The extreme but rather spasmodic energy of men favours outbursts of violence, while the activities of women are at a lower but more even level, and their avocations have tended to develop the conservative rather than the destructive instincts. Apart from this, even if women were trained in violence, the superior strength of men would still make crimes of violence in women very hazardous and dangerous. Under existing circumstances, when a woman wants a crime committed, she can usually find a man to do it for her.

I have already frequently had occasion to note

the approximation of criminal women in physical character to ordinary men. This has always been more or less carefully recorded, both in popular proverbs and in the records of criminal trials. Thus Sarah Chesham, a notorious wholesale poisoner, who killed several children, including her own, as well as her husband, was described as "a woman of masculine proportions;" and a girl called Bouhours, who was executed at Paris at the age of twenty-two, for murdering and robbing several men who had been her lovers, is described as of agreeable appearance, and of sweet and feminine manners, but of remarkable muscular strength; she dressed as a man; her chief pleasure was to wrestle with men, and her favourite weapon was the hammer.

Marro has recently suggested that sexual selection has exerted a marked influence in diminishing the criminality of women. Masculine, unsexed, ugly, abnormal women—the women, that is, most strongly marked with the signs of degeneration, and therefore the tendency to criminality—would be to a large extent passed by in the choice of a mate, and would tend to be eliminated. It seems likely that this selection may have, at all events to some extent, existed, and exerted influence; it is, however, not universally accepted.

The domestic seclusion of women is an undoubted factor in the determination of the amount of women's criminality. In the Baltic provinces of Russia, where the women share the occupations of the men, the level of feminine criminality is very high. In Spain, the most backward of the large countries of Europe, where the education of women is at a very low level, and the women lead a very domesticated life, the

level of feminine criminality is extremely low; the same is true, to a less extent, of Italy. In England, on the other hand, which has taken the lead in enlarging the sphere of women's work, the level of feminine criminality has for half a century been rising. Reference may perhaps also here be made to the fact that there is much more criminality among Irishwomen in England than among Irishwomen at home who lead a more domestic life. It is a very significant fact that Marro found among his women criminals, in marked contrast to the men, a very large proportion (35 out of 41) who possessed some more or less honourable occupation; a large proportion of the women also were possessed of some property. It may not be out of place to observe that the growing criminality of women is but the inevitable accident of a beneficial transition. Criminality, we must remember, is a natural element of life, regulated by natural laws, and as women come to touch life at more various points, and to feel more of its stress, they will naturally develop the same tendency to criminality as exists among men, just as they are developing the same diseases, such as general paralysis. Our efforts must be directed, not to the vain attempt to repress the energies of women, but to the larger task of improving the conditions of life, and so diminishing the tendency to criminality among both sexes alike.

Prostitution exerts an undoubted influence in diminishing the criminality of women, in spite of the fact that the prostitute generally lives on the borderland of crime. If, however, it were not for prostitution there would be no alternative but crime for the large numbers of women who are always falling out of the

social ranks. As it is, in those families in which the brothers become criminals, the sisters with considerable regularity join the less outcast class of prostitutes; sometimes in league with their criminal brothers, but yet possessing a more recognised means of livelihood. There will be something more to say on this point a little later on.

The strongest barrier of all against criminality in women is maternity. The proportion of criminals among young women with children is very small. Among men criminals the celibates are in a very large majority, but among women the married predominate. At the same time not only are young married women comparatively free from crime, but among married women, as Bertillon pointed out, those with children are distinctly less criminal than those without children. Of Marro's 41 criminal women, although all but one (who was undeveloped and ugly) confessed to having had sexual relationships, 12 had never been married, 10 were widows, 14 were married, but of these 7 (50 per cent.) were separated from their husbands. There is some significance, doubtless, also in the fact that while in men the maximum of criminality falls at about the age of 25, in women this is not so. That is the age of maximum child-bearing; the age of maximum criminality in women is delayed until nearly the age of 35. In the 130 women condemned for premeditated murder, and studied by Salsotto, the average age was 34. Marro found that for nearly every class of criminals the average age of the women was much higher than that of the men. It is clear that the woman without children is heavily handicapped in the race of life; the stress that is upon her is written largely in these

facts concerning criminality.[1] One might suspect this beforehand. Crime is simply a word to signify the extreme anti-social instincts of human beings; the life led most closely in harmony with the social ends of existence must be the most free from crime.

It may be said—to sum up our brief discussion of this large question of women's criminality—that certain great barriers, partly artificial, partly natural, have everywhere served to protect women from crime. It is not possible absolutely to prove this conclusion, because women cannot be put strictly under the same conditions as men; a woman who lived under the same conditions as men, it need scarcely be said, would no longer be a woman. But it is made probable by the considerations here brought forward, and by statistics. Thus let us take the statistics for one year in a country where crime is so largely developed, and so carefully studied, as Italy; an average year, 1886, may be selected. It will be found that a hundred condemned persons of each sex may be arranged according to age as follows:—

	Men.	Women.
Below 14	1.29 per cent.	1.41 per cent.
From 14 to 18	6.04 „	6.02 „
„ 18 „ 21	13.39 „	10.65 „
„ 21 „ 35	46.91 „	39.38 „
„ 35 „ 50	23.29 „	30.94 „
„ 50 „ 70	8.40 „	11.63 „
Above 70	0.68 „	0.57 „

[1] It must be admitted that the question is complicated. Murder is relatively less rare than most less serious offences, and tends to occur at an earlier age than in men. Bosco, showing that this is so in the United States, attributes it to infanticide and crimes of passion.

Thus below puberty the comparative criminality of girls is rather greater than that of boys, to become about equal at puberty; then during the earlier and chief period of child-bearing the criminality of women falls suddenly, becoming level with that of men at about the time of the cessation of the child-bearing period; after this the criminality of women becomes relatively much greater than that of men, becoming again about the same, and in some years exceeding it, at the age of 70.

(*d*) One is inclined on first approaching the subject to make the clear line of demarcation between crime and vice, which is necessary in practical life. From the anthropological point of view, however, it appears on closer examination impossible to draw this clear line.

In the course of Lombroso's investigations he was surprised to find in the examination of supposed normal persons certain individuals who presented in a marked form those anthropologic signs of a low and degenerate type which he had usually found among criminals. On further inquiry it appeared that those individuals were of vicious character. Again, it is a remarkable fact that prostitutes may exhibit the physical and psychic signs associated usually with criminality in more marked degree than even criminal women. While criminal women correspond on the whole to the class of occasional criminals, in whom the brand of criminality is but faintly seen, prostitutes sometimes correspond more closely to the class of instinctive criminals. Thus their sensory obtuseness has been shown to be often extreme, and it is scarcely necessary to show that their psychical sensitiveness is equally obtuse. Several valuable series of observations recently made

on prostitutes in Italy and elsewhere have brought out interesting results in this respect. Thus, for example, Dr. Praskovia Tarnovskaia examined at St. Petersburg fifty prostitutes who had been inmates of a brothel for not less than two years, and she also examined, for the sake of comparison, fifty peasant women of so far as possible the same age and intellectual development. She found (1) that the prostitutes presented a shortening, amounting to half a centimetre, of the anterior, posterior, and transverse diametres of skull; (2) 84 per cent. showed various signs of physical degeneration—irregular skull, asymmetry of face, anomalies of hard palate, teeth, ears, etc.; (3) 82 per cent. had parents who were habitual drunkards; (4) 18 per cent. were the last survivors of a large family of eight to thirteen children who had died early. Prostitutes may fairly be compared to the great class of vagabonds among men, who also live on the borderlands of criminality, and who also present a larger proportion of abnormalities than even criminals. Dugdale, in his valuable and thorough study of the "Jukes" family of criminals in America, shows that while the eldest sons in a criminal family carry on the criminal tradition, the younger sons become paupers or vagabonds, and the sisters become prostitutes. Of 250 recidivists condemned five times at Paris nearly all have begun by vagabondage. Mendel has examined 58 vagabonds in the workhouse at Berlin. He found 6 absolutely mad; 5 weak-minded; 8 epileptic; 14 with serious chronic disease; in the remaining 25 there was without exception pronounced mental weakness. We see here the organic root of the hopelessly idle, vicious character of the vagabond class. A philanthropic gentleman

at Paris offered employment of various kinds, with payment at four francs a day, to all those who came to him complaining that they were dying of hunger and could get no work. 545, out of 727, did not even present themselves; some came and disappeared after the first half-day, having claimed their two francs; only 18, or 1 in 40, continued to work. It is not sufficiently known that these poor creatures, who form such an extensive recruiting field for crime, are already, by the facts of their physical organisation, cut off from the great body of humanity. They need much more intelligent treatment than the antiquated workhouse is able to supply.

We must be careful not to confuse vice and crime. At the same time we have to recognise that they both spring from the same root. The criminal is simply a person who is, by his organisation, directly anti-social; the vicious person is not directly anti-social, but he is indirectly so. The criminal directly injures the persons or property of the community to which he belongs; the vicious person (in any rational definition of vice) indirectly injures these. They are both anti-social because they are both more or less unfitted for harmonious social action, both, from organic reasons, more or less lazy. Criminals and prostitutes, as Féré remarks, have this common character, that they are both unproductive. This is true also of vagabonds, and of the vicious and idle generally, to whatever class they belong. They are all members of the same family.

(*e*) We saw in Chapter I that there is a fairly well-marked class of professional criminals. They are the *élite* of the criminal groups; they present a comparatively small proportion of abnormalities;

their crimes are skilfully laid plots, directed primarily against property and on a large scale; they never commit purposeless crimes, and in their private life are often of fairly estimable character. They flourish greatly in a civilisation of rapidly progressing material character, where wild and unprincipled speculation is rife, as in the United States; their own schemes have much of the character of speculations, with this difference, that they are not merely unprincipled but are against the letter of the law; notwithstanding the ability and daring they require, they are a relatively unskilled kind of speculation.

Tarde, and perhaps one or two writers following him, have endeavoured to show that all crime is professional, and that every physical and psychic characteristic of the criminal may be explained by the influence of profession. Tarde's always alert and intelligent advocacy makes it necessary to take note of this position, although in this unqualified shape it has not met with much adhesion at the hands of scientific investigators. I am persuaded, he says, that every large social class has its own characteristics. "If one examined hundreds or thousands of judges, lawyers, labourers, musicians, taken at random and in various countries, noting their different characters, craniometric, algometric, sphygmographic, graphologic, photographic, etc., as Lombroso has examined hundreds and thousands of criminals, it is extremely probable that we should ascertain facts not less surprising; thus, for instance, we might succeed in finding *instinctive lawyers*—born to defend instinctive criminals. . . . I should like to see the instinctive criminal opposed to the instinctive man of science, or the religious man, or the artist. It

would be curious to see him compared to the moral man, and to learn if the latter is the antipodes of the criminal physically as well as morally."[1]

Tarde has again more recently stated his position: "One knows that at the first glance at a woman a skilful observer infallibly divines her habits of prostitution. . . Among the innumerable varieties of human nature which appear at the surface of a race and proceed perhaps from its lowest depths (for the variations of a theme are, I believe, its true *raison d'être*, and not *vice versâ*), every social or anti-social profession operates a selection to its own profit; it attracts the organisms most adapted to the kind of life which it leads, and to the end which it pursues, so that if one submitted to anthropometric measurement lawyers, doctors, priests, merchants, especially those who have the most decided vocation for their profession, we should not fail to find for each category the proportional preponderance of a certain number of peculiarities, morphologic or physiologic, elsewhere in less proportion. It must inevitably be so whether a career is open to every one or shut up as a caste, for in the latter case hereditary accumulation of acquired aptitudes from the use of the same functions transmitted from generation to generation produces an analogous effect, even with superior intensity."[2] The ingenious investigations of Bertillon at the Paris Prefecture of Police have shown that by large photographs of the hand it is possible to detect the worker at a certain number of crafts. By such acquirement as this, as well as by a process of natural selection, the men of every class develop a special set of psychic

[1] *La Criminalité Comparee*, 1886, pp. 51-53.

[2] "Criminologie," *Revue d'Anthropologie*, Sept. 1888.

and physical peculiarities ; thus Tolstoi, in his *Death of Ivan Ilyitch,* has admirably described the special attitude and manner common to professional men generally, and in this general professional class there are subdivisions, so that every professional man instinctively recognises his fellows. It is so among criminals. Mr. Davitt sketches, for instance, the special class of "hooks," or professional pickpockets, "so well outlined in gait, constant use of slang, furtive looks, almost total want of tact in their ordinary conduct, with an instinctively suspicious manner in almost all their actions, that they are as easily distinguishable from the other criminals of a prison as they are recognisable to their constant pursuers, the police, when abroad in the world."

If we were to look at the matter in a rather more thorough and scientific manner, there can be no doubt that the previsions of Tarde would be justified, and that men would fall into certain natural anthropologic groups, according to their habitual modes of feeling and thinking and acting, the nature of each person, to some extent, "subdued to what it works in, like the dyer's hand." In each class there would be different degrees in sensory perception, in cranial shape and size, in muscular development. Such investigations will no doubt be systematically carried out in time. At present, owing to the extraordinary apathy of anthropologists, and consequently the general indifference to the importance of studies connected with the development and varieties of men, scarcely anything is known regarding the matter.

But important as professional selection is, it cannot account for everything. Indeed no serious attempt

has been made to substantiate it by reference to the details of criminal anthropology. M. Tarde is a magistrate; no scientific man would have attempted to account for all the facts that have now accumulated by professional selection and acquired habits.

These considerations lead us to the question of the meaning which we ought to attribute to the "criminal type," as used by the students of criminality. In this matter we cannot do better than follow Ferri, who, in his great work on criminal sociology, has dealt with the question in his usual judicious and luminous manner.

Topinard, he remarks, contests the accuracy of the word "type" in this connection, but, as Lombroso has replied, and as Topinard himself has written, if by the type we mean "an *ensemble* of distinctive characters," a kind of average which Gratiolet called "a synthetic impression," or, as Isidore St. Hilaire called it, "a kind of fixed point and common centre around which the various differences are so many deviations in opposite directions," in this clear and precise sense we may speak of a criminal type. As Broca, again, says, "the type is an *ensemble* of characters, but in relation to the group which it characterises it is also the *ensemble* of the most marked features and those which are most often repeated." Not every individual, therefore, presents a marked and complete type. There is no anthropometric type of criminal (and no one, so far as Ferri knows, has ever affirmed that there is),[1] in the sense that anthropometric

[1] Thus Professor Ottolenghi, one of Lombroso's closest pupils and followers, while using the term "criminal type," explains that it is "an anthropological synthesis, the expression of an *ensemble* of special degenerative characters," and nothing more. ("Novi Studi su 265 Criminali," *Arch. di Psichiatria*, 1897.)

measurements would be sufficient to establish it. The anthropological criminal type results from an *ensemble* of organic characters, but among these the most decisive are the lines and the expression of the face. Abnormalities of structure and form in cranium and body are the complements of that central nucleus which is constituted by the physiognomy, in which certain features, in Ferri's experience, are especially characteristic—the eyes and the jaw. It is by these features that in marked cases Ferri has been able to distinguish murderers (of whom he has made a special and thorough study). Abnormalities of the cranium and skeleton generally are sufficient to distinguish examples of degeneration from the normal, but are not sufficient to distinguish the criminal from other degenerated persons.

The criminal type cannot be found in every group of criminals; it is naturally most common among congenital criminals, while among occasional criminals and criminals by passion, who stand at the opposite end, the anthropological type either does not exist or is found in very slight degree, because in these the crime is less largely determined by the biological factor, and more largely by the physical and social environment. Thus the results will be very different accordingly as we take 100 congenital criminals or 100 criminals of all kinds at random. Ferri demonstrated this by comparing a series of recidivist criminals with another series of non-recidivist criminals belonging to the same province. He considers that Lombroso's results would have been still more remarkable if he had classified his criminals. It has been objected by Dubuisson and Joly that if the murderer and the thief present distinct anthropo-

logical types, how can a criminal begin with theft and end with murder? Should we not have to admit that he must change his face? This, replies Ferri, is to syllogise about criminals without knowing them. It is not, as a rule, true that criminals begin with theft and end with murder. It is only true of a special group, the habitual criminals, and even among them it is the exception. There are two varieties of thieves: the simple thief, who will never commit murder if he can possibly avoid it—*i.e.*, will only kill in self-defence, and not in attack; and there is the sanguinary thief, who is truly a variety of murderer, probably by congenital tendency, as his instincts are frequently shown at a very early age. The criminal does not pass from the group of thieves to that of murderers, but already belongs to the latter before the crime is committed. To the objection of Tarde and Topinard, that criminal types are of a professional character, just as we have clerical, legal, etc., physiognomies, Ferri replies that this is to a large extent true, but that such influences cannot form a large lower jaw or a receding forehead; they cannot make a skull oxycephalic or microcephalic, or cause the disappearance of a vertebra. Ferri concludes the first part of his paper thus: "Not only in the case of criminals, but also of other professional or psychological groups of men, there exists in certain cases a bio-social type, in which either congenital or acquired characters prevail, accordingly as the individual is more or less disposed by his physico-psychical constitution to a given profession, or is determined to it by family and social conditions. But besides this there exists a purely biological or anthropological type of criminal in those cases in which the criminal

tendencies are congenital or manifested in very early life, and are accompanied by anatomical, physiognomical, and psychical characters (complete moral insensibility, extraordinary improvidence) which cannot be regarded as the products of the environment and social conditions alone."

Bleuler, again, in his excellent little critical study of the chief problems of criminal anthropology,[1] clearly explains the meaning of the "criminal type," remarking that even racial types are fluid, that we can say positively of no German that he might not be an Englishman, or of no Englishman that he might not be a German. "Lombroso means by 'criminal type' nothing more than that born criminals, regarded as a class, exhibit certain physical and mental anomalies in greater number and in higher degree than average normal men." Lombroso's position is thus in no degree injured by showing that any or all anomalies are found in the honest.[2]

It has long been a cheap form of humour with ignorant critics of the modern developments of

[1] E. Bleuler, *Der Geborene Verbrecher*, 1896.

[2] I may refer here to Manouvrier's contention that "acts defined sociologically, such as crimes are, cannot be directly connected with anatomical conformation." This contention would be sound if the undoubtedly sociological definitions of crime were random and capricious; just as we could not expect to find any definite groups of abnormal phenomena in lottery prize-winners. As a matter of fact, however, such definitions serve to express the profound conviction of the community concerning the things that are necessary for social order, and a tendency to anti-social disorder may obviously be conditioned by the presence of organic abnormalities. Murder is a sociologically defined act: to kill a man in the street is murder; to kill him on the battle-field is praiseworthy and heroic; thus, while a perfectly normal man, supported by the community to which he belongs, can commit the one act, it usually requires an organically blunted or perverted man to commit the other act.

alienism and criminal psychology to talk about sending a man to prison or the asylum on account of the shape of his ear or the length of his arms. Such critics are ignorant of the fact, well known to every anatomist and anthropologist, that every person, without exception, betrays on minute examination innumerable small deviations from perfect symmetry, and that a very large number of healthy and normal persons show one or two, even more, abnormalities of more conspicuous character. Even when a very large number of gross abnormalities are concentrated in a single individual, it is well recognised by all serious students that while in such a case the physical abnormality is almost certainly correlated with nervous and psychic abnormality, it is not possible to say with absolute sureness what the nature of that psychic abnormality is.

As regards the number of abnormalities, the presence of which should lead us to regard a person as abnormal, there is necessarily no agreement, since every investigator sets up a standard for himself. A distinguished pupil of Lombroso's, Professor Ottolenghi of Siena, in classifying over 200 criminal cases anthropologically, according to the amount of physical deviation from the normal, makes three degrees: (1) the more complete degenerative type with more than five anomalies; (2) the incomplete type, with more than three; and (3) the normal type, with less than three. Ottolenghi admits that he takes chief count of cranial abnormalities, and of these only the most marked. The complete degenerative type (which appears to correspond with Lombroso's "criminal type") Ottolenghi found in 37 per cent.—a rather high proportion. Talbot, also attaching most

importance to the head and face, found that among respectable urban residents as many as twelve stigmata could be found, though the average was eight; among criminals he found that it was nearly double, fourteen at Pontiac, and sixteen at Elmira. There is interest in this connection in noting the result of an investigation (published by Talbot) by an American army surgeon, Dr. Woodruff, who examined 138 young criminals in an Illinois reformatory (excluding boys and negroes), precisely in the same way as he would recruits, but omitting subjective tests where untruthful answers might come in; he found that they could be divided into five classes: (1) fourteen who might have been passed, though a careful surgeon would have rejected at least ten; (2) thirty who would only be passed if known to possess some special qualification; (3) thirty-seven who could only be passed in emergency, by special authority; (4) thirty-three who could only be passed in time of war, and then only as messengers, etc.; (5) twenty-four totally unfit for any service. It must be remembered that these men belonged to the best grades of criminality; an examination of an ordinary prison (Joliet) led Woodruff to believe that very few of the men were capable of military service.

It is interesting to note that Topinard, the distinguished anthropologist, who has bestowed some severe and not unmerited criticism on portions of Lombroso's work,[1] while accepting the professional theory of crime, by no means considers that it is sufficient to explain the whole of the facts; remembering the teaching of Lélut and Baillarger, under whom he had studied mental disease, he calls in the aid of the

[1] "L'Anthropologie Criminelle," *Revue d'Anthropologie*, 1887.

morbid element:—"Criminals constitute a special professional category in society, in the same way as men of letters, men of science, artists, priests, the labouring classes, etc., but a complex category in which the most diverse elements enter: the insane or those predisposed to insanity, epileptics and those predisposed to epilepsy, the alcoholic, the microcephalic, the macrocephalic, those predisposed by some vice of organisation or of development, anterior or posterior to birth, betraying itself sometimes by very evident anatomical anomalies, those who are predisposed by family traditions and inclinations, those whose moral instincts are perverted by individual education and social environment, and finally those who are criminals by accident, without preparation or predisposition."[1] Professional characters will carry us a long way when we are seeking to account for natural social groups. But in the anti-social groups another and more morbid element enters. It is indeed largely the presence of morbid elements which gives these groups their anti-social character.

(*f*) The morbid element in criminality has sometimes been too strongly emphasised, but it would be idle to attempt to deny its importance. The frequency with which insanity appears among criminals, even when the influence of imprisonment may with considerable certainty be excluded, is well ascertained. Of recent years also the close connection between criminality and epilepsy and general paralysis has often been shown. I have several times pointed out that the resemblances between criminals considered as a class and the insane so considered are by no means great; at many points they are

[1] *Loc. cit.*, p. 686.

strongly contrasted. The resemblances with epileptics, on the other hand, are anthropologically very marked, as Lombroso was the first to point out in detail. He has also observed that those regions of Italy which produce most epileptics produce also most criminals. Epilepsy has a certain relationship to insanity; it tends naturally to weak-mindedness, although some of the world's greatest men have been epileptics; and there is in epilepsy a tendency to the development of brutal, unnatural, and bloodthirsty instincts. The slighter and more concealed forms of epilepsy offer also a very fruitful field for investigation in this respect.[1]

It must be added that the importance attached to epilepsy in connection with criminality by some Italian investigators is by no means confirmed by English and American alienists. Ottolenghi finds the proportion of epileptics among nearly 300 criminals to be 30 per cent.; among English criminals in local prisons it is so minute as to be almost a negligible quantity. This may in part be due to a greater prevalence of epilepsy in Italy; it is certainly in larger part due to a very much broader definition of epileptic phenomena in that country. It is, however, fairly clear that, except in predisposed subjects, the insanity found in English and American prisons is very rarely caused by imprisonment itself.[2] Delusional in-

[1] All the evidence which has so far been accumulated with regard to the connection between criminality and epilepsy will be found in considerable detail in the second volume of Lombroso's great work, *L'Uomo Delinquente* (1889). To announce any definite conclusions would still be premature. See, however, p. 178.

[2] See, *e.g.*, John Baker, "Insanity in English Local Prisons," *Journal Mental Science*, April, 1895; Dr. Herbert Smalley, in *Reports of Prison Commissioners*, 1897, 1898, 1899, etc.; E. Goodall, "The Associated Study of Crime and Insanity," *Lancet*, 26th Dec. 1896.

sanities constitute nearly 40 per cent. of the forms of mental disease found, and form a very dangerous group, being associated with crime against the person and also against property; the epileptic insane are prone to violence; general paralytics commit petty crimes of acquisitiveness; the crimes of dements are aimless or sexual, and sexual offences are also common among congenital imbeciles.[1]

In America, the Matteawan State Hospital in the State of New York is devoted to the reception of criminals in whom insanity appears or is discovered after conviction or before their cases are finally adjudicated. Dr. Allison,[2] the Medical Superintendent, states that acutely maniacal conditions are exceptional, the mental disturbance is usually quiet, unattended by motor excitement, frequently associated with arrested physical or mental development. Ideas of persecution, with auditory hallucinations, are extremely common, and often lead to carefully-planned assaults for the sake of warding off imaginary dangers. The victims of these hallucinations fraternise and combine in many cases, are unwilling to inform against each other, and the burglar and thief will still exercise their special talents when opportunity offers, so that constant espionage is required. Yet all these persons have had a trial before a jury, "and, it might be said, have been judicially pronounced sane." Even when they have recovered, and can no longer be regarded

[1] As regards this question in Germany, see Moeli, *Ueber irre Verbrecher*, 1888; in France, Laurent, in his *Habitués des Prisons*, touches on it; from his own experience at the Prisons de la Santé he states that "out of three cases of insanity one at most is recognised and figures in the official statistics."

[2] "Insanity among Criminals," *American Journal of Insanity*, July, 1894.

as insane, strictly speaking, many of these criminals remain in "a condition which is recognised as unsoundness of mind; that is, they are imbeciles or weak-minded creatures, easily swayed, prone to vicious acts, evil practices and habits, with little knowledge and little capacity for acquiring it. They are not amenable to prison discipline and are incorrigible. Solitary confinement in the dark cell of the prison soon unnerves them and unhinges their already feeble mental powers. If discharged they become recidivists." It is noteworthy that 17 per cent. of the life-convicts of the State of New York are in Matteawan, usually in a condition of melancholia or with delusions of persecution.

The number of insane in custody in the State of New York is about 20,000.[1] Of these, nearly 700 may be classed as insane criminals. Insanity is very prevalent among the convicts. The three chief New York prisons have a total population of about 4,700, and the average yearly commitments to Matteawan are 54, showing that 1 in 87 becomes insane annually. (A small percentage of these were insane before the crime.) All varieties of insanity are found, though very strongly modified by criminal habits, so that, as is found elsewhere, insane criminals are an untractable and dangerous class. With regard to causation, insane criminals are here divided into three groups: (1) causes arising outside prison life; (2) causes mainly due to conditions within prison, confinement, reflection, etc.; (3) mixed causes. The first class are benefited by removal to asylums; they are dangerous,

[1] H. E. Allison, "What Constitutes an Insane Criminal?" *Albany Medical Annals*, Dec. 1897; "Method of Securing Health of Insane Convicts," *Journal of Social Science*, Dec. 1897.

but not really criminal. The second class have often been confined in small, dark, insanitary cells, and are also greatly improved by removal to the asylum. "Twenty-three per cent. of the life-men in the prisons of the State are inmates of this hospital to-day. Most of them are hopelessly insane." The third class is made up of degenerates, mostly recidivists, and often imbeciles. The individual of this class is never quite sane; "his insanity may be regarded simply as an exacerbation of his natural condition." It is interesting to compare the average length of confinement in Matteawan with that in an ordinary prison. Allowing the usual deduction for good conduct, and excluding life and execution sentences, the average sentence record in Sing Sing is three years nine months and twenty-four days; at Matteawan, including deaths and transfers, it is five years and one month. "The popular idea that the asylum is a shield, under cover of which many guilty persons escape the penalty of crime," Allison remarks, "is not, I think, borne out by facts."

But the roots of criminality are not only deeper than professionalism, they are deeper also than any merely acquired disease. I have frequently had occasion to note the remarkable resemblances between criminals and idiots. There is the same tendency to anatomical abnormalities of the muscles, arteries, bones, etc.; in both the muscular system is weak; there is the same tendency also to small and weak hearts, with valvular defects. There is, again, the same sensory obtuseness, with the same exception in the case of sight, which is remarkably good, with rarity, it seems, of colour-blindness. Criminality, like idiocy, tends to run in the line of the eldest sons, and

in both the hereditary influences are frequently bad. Cranial asymmetry is common in idiots as well as among criminals; and while meningitis is a common cause of idiocy, such evidence as we possess shows that it is also common in criminals. Tubercular disease is again common in both. Epilepsy, to which so much importance has sometimes been attached in connection with criminality, is notoriously common among idiots, being found among nearly 25 per cent.[1] The relations of criminality to idiocy have not yet been sufficiently studied.

The criminal is, however, by no means an idiot. He is not even a merely weak-minded person. The idiot and the feeble-minded, as we know them in asylums, rarely have any criminal or dangerous instincts. Another term is frequently used to denote vicious or criminal instincts in a person who is, mentally, little if at all defective; he is said to be "morally insane."

The term "moral insanity" was originated nearly half a century ago by an Englishman, Dr. Prichard, who in his *Treatise on Insanity* declared that insanity exists sometimes with an apparently unimpaired state of the intellectual faculties; and the conception has been developed by Krafft-Ebing, Maudsley, and many others. The term itself is an unfortunate one; the condition described by no means falls in easily as a subdivision of insanity, and it is moreover frequently of a congenital character. There is now a very

[1] See Ireland's *Idiocy*, and Langdon Down's *Mental Affections of Childhood and Youth*. The latter contains many valuable facts and suggestions in this connection. Sollier's *Psychologie de l'Idiot et de l'Imbécille*, 1891, throws much light on the psychological affinity of the criminal and the idiot.

general tendency to drop the expression "moral insanity," and to speak instead of "moral imbecility."

The condition in question, by whatever name it is called, is described by alienists as an incapacity to feel, or to act in accordance with, the moral conditions of social life. Such persons, it has been said, are

Moral Imbecile (Elmira).

morally blind; the psychic retina has become anæsthetic. The egoistic impulses have become supreme; the moral imbecile is indifferent to the misfortunes of others, and to the opinions of others; with cold logic he calmly goes on his way, satisfying his personal interests and treading under foot the

rights of others. If he comes in contact with the law then his indifference changes into hate, revenge, ferocity, and he is persuaded that he is in the right. Although so defective on the moral side, these persons are well able to make use of the abstracted intellectual conceptions of honour, morality, philanthropy; such words are indeed frequently on their lips, and it is quite impossible to convince them of the unusual character of their acts. They are more or less congenitally incapable of social education, systematically hostile to every moralising influence. Being themselves morally blind, it is their firm conviction that all others are in the same condition; they disbelieve in the possibility of virtue, and being often possessed of considerable intellectual ability, maintain anti-social theories with much skill.

"Moral insanity" does not probably stand for any definite morbid condition. It is used as a convenient term to describe a certain group of psychic symptoms which are not found in a developed condition in the normal man. It is obvious that these symptoms closely resemble those we have already described as characterising the criminal in his most clearly-marked form—the instinctive criminal. The morally insane person has been identified with the instinctive criminal by Lombroso, Marro, Ferri, Benedikt, Hack Tuke, Kurella, among others. The fusion has, however, been rejected by some—by Binswanger and Kraepelin, for instance. There can, however, be little doubt that the two groups overlap in very large part. The difficulty has largely been one of words. There can be little doubt that it would be desirable to cease using the term "moral insanity." In using the term "moral insanity" Prichard was influenced by the old Scotch

school of philosophy, according to which there is, among the other senses, a "moral sense"; with the disappearance of that belief the term "moral insanity" has become antiquated. Hack Tuke proposed "inhibitory insanity," Benedikt "moral depravity."[1] On the whole, there can be little doubt that the best term is "moral imbecility" or "moral idiocy," and we have to recognise that in such cases while the moral defect is great there is usually, if not always, some slight degree of mental defect. It is perfectly true that not all criminals are weak-minded. All degrees of intelligence are found. Thus Ottolenghi, in his study of 265 criminals, found that, putting aside the insane cases, there were 12 of distinctly superior intellect (including a naturalist of some position, a mathematician, esteemed for his original work, a philosopher, etc.), and 13 of a very low grade of intelligence, without being imbeciles; the remainder were intelligent in proportion to their social position and occupation. Ottolenghi, while considering that this result confirms the independence of intelligence and moral sense, at the same time points out that the majority of these cases exhibited in their lives and criminal acts a reckless lack of foresight and thought "which seem symptoms of partial imbecility.[2] Thus even those who are not anxious to minimise the intelligence of criminals still fall into line with the position which on the whole it seems, in view of all the facts, most reasonable to take.

The question of moral insanity has been much debated in Germany, for it is there that there has been

[1] Benedikt, "On Moral Insanity and its Relation to Criminology," with the following discussion, *Journal of Mental Science*, Oct. 1894.

[2] *Arch. di Psichiatria*, Fasc. ii.-iii., vol. xviii., 1897.

most opposition to its recognition. Näcke has especially dealt with the question in a series of papers. He starts from the proposition that "'Moral insanity'

Moral Imbecile (Elmira).

as a specific disease does not exist, but what is so called is a variety of imbecility." It differs from ordinary imbecility, because (1) intellectual disturbance

is not obvious, (2) there is a predominance of ethical and æsthetical defects; (3) there is an inclination to immoral and dangerous conduct producing conflicts within and without the family; and (4) when congenital there are certain peculiarities in its course. Näcke points out that morality is not congenital, the only congenital element being the aptitude to be morally influenced by education and environment, but this aptitude involves nearly the whole of the nervous system, so that development of morality with defect of the other mental powers is scarcely conceivable. The diagnosis is practically important since moral insanity is more difficult to combat than mere bad environment, and the earlier it is recognised and treated the better. The heredity is usually very bad, and sometimes there have been intra-uterine troubles or serious illness during infancy. In spite of care the child is a ne'er-do-weel in the family and the school. The morbid character of the trouble may be indicated by well-marked periodicity, commonly found in all so-called "degenerative" psychoses. Nor are plentiful indications of degeneration lacking in skull and face and the rest of the body, as well as functional signs such as choreic movements and strabismus. The intellectual condition is decisive as regards the diagnosis between "moral insanity" and ordinary imbecility. If the intellect is but slightly disordered, and especially if there is marked immorality, Näcke considers that we may speak of "moral insanity," but he believes that in every case careful investigation will reveal a lack of mental equilibrium and defective attention, memory, etc. Näcke accepts the identification of "moral insanity" with congenital criminality, but considers that in the strict sense it is so rare that

we had better give up the term. Taking the term "moral insanity" in the broadest sense, he finds that most cases fall into the group of the feeble-minded, a small proportion only remaining to whom we may properly apply the term moral idiot in the narrowest sense.[1]

The question has been much discussed how far moral imbecility is independent of intellectual weakness. Some, assuming apparently that all moral defect must have an intellectual basis, have stoutly maintained that there is no moral imbecility without some degree of weak-mindedness. In the majority of cases this is undoubtedly so, and the very greatest care should always be exercised in investigating a case of "moral idiocy" before asserting that the mental functions are absolutely intact. We need not, however, refuse to accept such absence of mental impairment on merely *a priori* grounds. Bleuler, who has discussed the question of "moral insanity" with much sagacity, and who decides in favour of the term "moral idiocy," which he identifies with instinctive criminality, has presented in full detail the case of a clergyman's son, now the inmate of an asylum, in whom moral idiocy co-existed with unimpaired mental functions.[2] There were some traces of moral idiocy in the subject's family and ancestry. He himself in appearance is regarded as handsome by those who do not know him well. His expression is sly, the face asymmetrical, beard sparse, genitals

[1] P. Näcke, *Ärztlichen Sachverständigen-Zeitung*, 1st July, 1895; *ib.*, *Neurologisches Centralblatt*, Nos. 11 and 15, 1896; *ib.*, *Psychiatrischen Wochenschrift*, No. 13, 1899.

[2] E. Bleuler, "Ueber Moralische Idiotie," *Vierteljahrsschrift für Gerichtliche Medicin*, 1893, supplement; for discussion of "moral insanity" see the same author's *Der Geborene Verbrecher*, 1896; and also Kurella, *Naturgeschichte des Verbrechers*, 1893, pp. 204 and 256.

developing late. There are slight neurotic symptoms, and he is very intolerant of alcohol. From his earliest years, and in spite of careful education, he has been constantly untruthful, and reckless of the distinction between *meum* and *tuum*. He has always been lazy, but there is no notable defect of intelligence. He took every opportunity of stealing, and showed great skill in making friends with all classes in order to obtain petty advantages or to gain chances of appropriating money or articles. He has never shown the slightest sign of remorse, though his memory is very clear and good. He affected great sincerity, and was clever in deceiving. He does not indulge either in venereal or alcoholic excesses, though he likes eating and drinking, and his sexual feelings are fairly normal. He does not show any special anxiety for revenge, but on the other hand he has never shown any sign of sympathy with any living creature. He possesses æsthetic feeling, but no religious feeling. He is industrious in the asylum, and has also learned to play the violin. He is vain, but not excessively so. His intelligence is good without being much above the normal level, and exhibits no anomalies.

We must, therefore, regard the group of moral imbeciles—closely related as it is to the other groups of idiots, imbeciles, and weak-minded—as identical with the instinctive or congenital criminal. The moral imbecile is not insane, and cannot properly come within the alienist's province. He is a criminal, his characteristics merge imperceptibly into those of the vast body of criminals of whom he is the most complete and unmixed type.[1]

[1] There has been a tendency in some quarters to conclude that the identification of the now very carefully investigated "congenital

The group of instinctive criminals still, however, stands fairly apart among the other groups of criminals, approximating, but not fusing with, these various morbid and atypical groups. The outlines blend, but each group is distinct at the centre. It will be the work of the future to arrange, and if necessary to re-form, these various groups.

It is much to be able to see, even so clearly as we do to-day, the human classes of arrested or perverted development who lie in the dark pool at the foot of our social ascent. Even our present knowledge is sufficient to serve as the justification for a certain amount of social action. We owe this to the labours of a succession of physiologists, alienists, anthropologists, and criminologists during the past century.

Up to recent times the criminal has been regarded as a kind of algebraic formula, to use Professor Ferri's expression; the punishment has been proportioned not to the criminal but to the crime. We are now learning to regard the criminal as a natural phenomenon, the resultant of manifold natural causes. We are striving to attain to scientific justice. We are seeking in every direction to ascertain what is the reasonable treatment of the eccentric and abnormal

criminal" with the little-known victim of "moral insanity" means that the former must be put into the latter class and handed over to the alienist. The very opposite is the case; the "morally insane" person cannot be made easily to fit into the scheme of insane groups, but falls naturally into the criminal group of which he is the most extreme and typical representative. His affinities are not with the insane, who are pathological by to a large extent acquired causes, but to the idiotic, imbecile, and weak-minded, who are pathological by inborn defect. This important point has been emphasised by, among others, Kurella ("Cesare Lombroso und die Naturgeschichte des Verbrechers," Virchow's *Sammlung gemeinverständlichen wissenschaftlichen Vorträge*, 1892).

members of society, in their interest, and in the still higher interests of the society to which we belong.

To seek for light in the fields of biology and psychology, of anthropology and sociology, has seemed to many a discouraging task. The results are sometimes so obscure; sometimes, it even seems, contradictory. In practice, it is said, such considerations count for nothing. Law must only concern itself with absolute certainties, with abstract formulæ, with geometrical routine. But human nature will not fit in with formulæ; when men and women are geometrical figures, an abstract legal system will answer all their needs. If the path lies through a jungle, what is the use of the best and straightest of roads that leads astray? If a critic were to point out to a biologist—to take another illustration from Ferri—the limitations of the microscope, he would be entitled to reply—But excuse me, however imperfect the microscope may be, would it be better to dispense with the microscope? Much less when we are dealing with criminals, whether in the court of justice or in the prison, or in society generally, can we afford to dispense with such science of human nature as we may succeed in attaining.

CHAPTER VI.

THE TREATMENT OF THE CRIMINAL.

If, as now scarcely admits of question, every truly criminal act proceeds from a person who is, temporarily or permanently, in a more or less abnormal condition, the notion of "punishment" loses much of its foundation. We cannot punish a monstrosity for acting according to its monstrous nature. Moreover, who among us is perfectly normal, and what tribunal is entitled to punish? The verdict of science is one with that of Christianity—"Judge not."

Some such argument as this has weighed with those thinkers and investigators who have of late shown a disinclination to talk of punishment, and have instead spoken of the "social reaction against crime." The old conception of punishment was founded on the assumption of the normality of the criminal; he was a normal person who had chosen to act as though he were not a normal person—a vine, as it were, that had chosen to bring forth thorns—and it was the business of the penologist to apportion the exact amount of retribution due to this extraordinary offence, with little or no regard to the varying nature of the offender; he was regarded as a constant factor. The late Chief Justice Coleridge, not many years ago, "when addressing," says the Rev. J. W. Horsley, "in our hearing, an assemblage of those who had all belonged to the criminal class,

expatiated, somewhat to their astonishment and much to their gratification, on the iniquity of giving a severe punishment for a theft that was petty, even though it had been preceded by many thefts and convictions." Obviously the punishment was directed at the offence; it was not necessary to consider the offender at all. This conception, formulated by theorists who delighted in abstract notions, has been shown to lead directly into devious paths of metaphysics and ethics; it has, consequently, been fertile of much vain disquisition. On the whole, the results of this have not contributed to confirm the credit of the notion, and it has seemed better—at once sounder theoretically and more convenient practically—to dispense with this antiquated conception of punishment. Whenever one person trespasses on the rights of another person, or of the community to which he belongs, there is an inevitable social reaction against the person who has committed the anti-social deed. Society says to the individual who has violated its social feelings—Here, my fine fellow, we are not going to stand this conduct of yours; we must have an end of this: and it proceeds to act in accordance with the varying measure of its wisdom. This is the basis of all legal action against the criminal; in its crudest form it is Lynch law; in its highly developed form it shows itself in the elaborate training bestowed on the criminal at Elmira. Such social action is a solid and permanent fact, independent of all metaphysical theories; and it is this we are concerned with when we approach the question of the treatment of the criminal.

At a very early period in the development of every barbarous race there arise two institutions for dealing with the criminal—the prison and another, still more

decisive, appearing in various forms, the cross, the stake, the gallows, the axe.

I do not propose to give more than a few words to the question of capital punishment, because it does not seem to be any longer a question of much magnitude or importance. A century, even three-quarters of a century, ago it was a different matter. In England especially capital punishment seems to have flourished luxuriantly. A writer in Elizabeth's reign says that in Henry VIII.'s time seventy-two thousand thieves and vagabonds were hanged. The statement is set down on hearsay evidence only, but is sufficient to show that the number must have been very large. About a century ago more criminals, it is said, were put to death in England than in any other part of Europe; many persons still living remember the days of wholesale hanging, and even the execution of a child of twelve for rioting. It is less than half a century since a child of nine was condemned to death for stealing paint, value twopence-halfpenny, and since men were hanged for stealing sheep and post-office letters.

There can be little doubt that capital punishment is dying out. It is actually abolished in Italy, Switzerland, Holland, Portugal, and several of the United States. Whether its complete extinction is altogether a matter for rejoicing is a question concerning which there is not complete unanimity among those whose opinions carry most weight. An impressive body of opinion is in favour of putting instinctive criminals to death, not out of revenge, but in the spirit in which Galen and Seneca advocated the destruction of incorrigible offenders against social life, regarding them as diseased members to be removed for the advantage of the whole

social body. Garofalo, the distinguished Neapolitan lawyer, is perhaps the chief advocate of capital punishment among those who are working for legal reform. He points out that the death penalty is the only one the criminal really dreads, and tells of offenders who committed their crimes under the impression that capital punishment had been abolished, and that they were to be provided with food and shelter for the rest of their lives. On the other hand, it has also been shown that the *éclat* and public interest involved in a trial for life or death serves as an incentive to the morbid vanity of criminals. Such a penalty as burning "for example of others, as hath been accustomed," according to the phrasing of Henry VIII.'s statute, has been an example often enough in another sense than the statute intended.

On the whole, we may perhaps be well satisfied that capital punishment—"the shameful practice," as it has been epigrammatically styled, "of hiring for a guinea an assassin to accomplish a sentence which the judge would not have the courage to carry out himself"—is threatened with extinction in civilised countries. It has the disadvantage of being irrevocable. There would be little chance of mistake if it were only applied to recidivists; but these are a class to whom it is rarely applied. It is certain that mistakes have occurred when in the opinion of the judge the evidence of guilt was absolutely convincing. It is true that the chief cause of this extinction in democratic countries is not the benefit of the criminal, or even the welfare of society; it is a tender regard for the sentiments of the general public. "To punish murder by lifelong imprisonment," as Sir Robert Rawlinson observed, "is a far severer fate than

sudden death, but it is not so revolting." We have to see to it that our substitutes for the death penalty are of a humane and rational character, and that they afford an equal protection to society. It should never be possible to address to society the words which the daring Duc de Montausier addressed to Louis XIV concerning a criminal who was finally executed after committing twenty murders: "This man has only committed one murder, the first, and it is you who, by letting him live, have committed the other nineteen." But, as Benedikt well observes, to kill the criminal is never satisfactory, because we do not kill his accomplices, bad social conditions and defective institutions; we leave untouched the false social sentiments that urged the unmarried girl to kill her own child, or the rigid marriage system that made it easier for the man to kill his wife than to leave her or to allow of her leaving him. Moreover, it must be said that murderers, whom alone it is considered justifiable to eliminate by death, are not usually the most degraded of criminals or the most dangerous to society. In Russia, where capital punishment for common-law offences was abolished more than a century ago, murderers are condemned to hard labour for a period of years, after which they are settled in Siberia. "Eastern Siberia is full of liberated assassins," remarks Prince Krapotkine, "and, nevertheless, there is hardly another country where you could travel and stay with greater security; while the unceasing robberies and murders of which Siberia complains now, take place precisely in Tomsk and throughout Western Siberia, whereto no murderers and only minor offenders are exiled. In the earlier part of this century it was not uncommon to find at

an official's house that the coachman was a liberated murderer, or that the nurse who bestowed such motherly care upon the children bore imperfectly obliterated marks of the branding-iron."[1] Mr. Davitt, speaking from an extensive acquaintance with criminals, says :—"The really hardened, irreclaimable criminal will never commit a murder. . . . The most heinous of all offences—murder deliberately intended and planned before commission—is, ordinarily, the offspring of the passions of revenge and jealousy, or the outcome of social or political wrongs ; and is more frequently the result of some derangement of the nobler instincts of human nature than traceable to its more debased orders or appetites."[2] Again, Miss Carpenter, in her *Female Life in Prison*, wrote :—"Some women are less easy to tame than the creatures of the jungle. . . . And yet these women are not always in for the worst crimes : there are few, if any, murderers amongst them ; they have been chiefly convicted of theft after theft, accompanied by violence." These observations are entirely in accord with the results of criminal anthropology ; the murderer belongs very frequently to the class of criminals by passion, the least anti-social of all, and is at other times frequently the subject of some morbid impulse, epileptic or insane.

Perhaps the most powerful reason in favour of the probable disappearance of capital punishment is the humanising influence that would be exerted on the community generally. The unreasoning outbursts of ferocity in which, especially among young and emotional democracies, some morbid and distracted

[1] *In Russian and French Prisons*, p. 359.
[2] *Leaves from a Prison Diary*. Lecture I.

creature who fires at a political personage is hurried with glee to the scaffold, or some half-witted human thing who commits a rape is perhaps actually torn to pieces, are not wholesome manifestations of the social spirit. They are far less excusable than the deeds by which they are aroused, for the reason that they arise in more normally constituted persons. So long as capital punishment is legitimate there is, however, at least the appearance of an excuse for the development of these brutalising outbursts. All that is finest in civilisation is bound up with a self-restraint and humanity, as well as a more intelligent insight, which, while admitting a more chastened social reaction, makes ferocity impossible.

Let us turn to the prison. During the last century a vast amount of care and enthusiasm, philanthropic and administrative, has been expended on the elaboration and development of prisons. It is needless to sketch the history of this development, which seems now to have come to a standstill; it has often been done, and is easily accessible. It is however very interesting and instructive to take note of the deliberate opinions expressed during the last few years, from various points of view, by those who have had the opportunity of studying most intimately the modern developed prison.

A curious fate has befallen this ancient institution. In its more primitive form it now arouses universal disgust and horror. The Russian prisons of Siberia are, for instance, a by-word of reproach. The physical and mental torture which they inflict, wholesale and indiscriminately, on men and women, on political suspects as well as on the lowest criminals, have been described over and over again, from within and from

without, during the last fifty years, in Dostoieffsky's *Recollections of the Dead-House*, by Maximoff, and by Krapotkine, and still, when Mr. Kennan repeated the old story, a wave of indignation passed across the civilised world. Elsewhere on the fringe of European civilisation the primitive prison is still scarcely changed. The Spanish prisons are often filthy and overcrowded, and the inmates are maintained in laziness. In the Spanish prison of Ceuta, in Morocco, there are 3000 convicts, mostly for life, and crowded together, so that 112 sleep in one room.[1] The

[1] Here and in the following lines I am quoting from Mr. Charles Cook of Hyde Park Hall, London, whose information, I should add, all refers to periods before 1889. Mr. Cook deserves all honour for his visits (primarily with a religious object) to some of the worst prisons of the world—visits for which he has paid the old penalty of "gaol fever." With reference to Ceuta, I should add that Mr. Cook's impressions are not altogether confirmed by competent Spanish prison reformers. Ceuta, which dates from the seventeenth century, is a kind of criminal Gheel, its chief peculiarity being the close relationship between the free and the convict population. It is, as Salillas, from whose *Vida penal en España* I take the following remarks concerning it, observes, a convict city. There is not strictly any isolation as in the other prisons of the Peninsula or the Balearic Isles; nor is it an extraneous focus of moral infection, as at Saragossa or Valladolid; nor a merely economic supplement, like that of Alcala and some others; nor, in short, a centre of inaction or of artificial life. The convicts are an integral part of the population, sharing in the economic, social, urban, military, administrative, industrial, and agricultural order of its life, and fulfilling a great variety of functions. They obtain and carry the materials for constructing the fortifications and buildings, make and repair the roads, erect forts and houses, work in timber and in iron, cultivate the field. They are painters, photographers, shoemakers, tailors, servants fulfilling confidential domestic duties; they are clerks, even professors lecturing on arts, sciences, and philosophy. Between the free and the convict population, Salillas says, there is more than affinity; there is a kind of organic dependence. Convicts enter the houses without hindrance; no one regards them with dread, or fears to meet them. Who is the coachman who is driving? A convict. Who is the lad serving at table? A convict. And the cook who

native prisons of Morocco are the abodes of oppression, starvation, and filth, where the innocent and guilty are thrown in together, without any kind of work, and allowed to die slowly. "The horrors of these places are indescribable. Often they are underground, damp, and pestilential; always filthy. They are frequently very crowded, and a dozen or more poor wretches may be fastened in one chain by their necks, with heavy irons on their wrists and ankles, unable to stir a foot away from one another for any purpose all night, and often all day."[1] "On the highest authority," says Mr. Cook, "I am able to say that the prison population of the city of Morocco equals the free population." In the interior, where there is no dread of European influence, things are naturally much worse. In Egypt the prisons were filthy and

prepared the meal? A convict. And who takes care of the children? A convict. And all the chief families, having servants belonging to the prison, do they not fear robbery, rape, murder, poisoning? No. This custom, founded in necessity, has its credit in experience. An eye-witness, Juan Relosillas (*Catorce Meses en Ceuta*, 1886), says—"Everyone calls them 'good prisoners'; they are so, faithful, sober, hard-working, respectful, and intelligent."

[1] The impartial Moorish method of administering justice may be gathered from the following example mentioned by Mr. Cook. One Mogador Jew recently brought another before their Governor to recover a sum equal to about 6¼d. Both were thrown into prison, from which they were released on paying the following little bill:—

	s.	d.
To the Governor, plaintiff, one loaf of sugar ...	2	0
,, ,, defendant, ,, ,, ...	2	0
,, two policemen who took them to gaol	0	9⅓
,, ,, ,, them out of gaol ...	0	9½
,, gaoler	0	4¼
,, ,, for use of prison lavatory	0	4¼
	6	3½

It frequently happens that the prisoner is unable to settle his bill, and is compelled, therefore, to remain a prisoner.

filled with untried prisoners. In Greece the prisoners are, "if possible, dirtier than those of Egypt, no work, no books, and but little food. Some of the rooms containing ten prisoners were less than twelve feet square." Many of the prisons of South Africa are in a wretched condition, and some of those in the United States are little better.

A century ago most of the prisons of England could fairly have been included in any such enumeration as that I have just attempted. "They are ironed," wrote Howard of the English convicts of 1773, "thrust into close, offensive dungeons, and there chained down, some of them without straw or other bedding. They continue in winter sixteen or seventeen hours out of the twenty-four in utter inactivity, and immersed in the noxious effluvia of their own bodies. Their diet is at the same time low and scanty; they are generally without firing; and the powers of life soon become incapable of resisting so many causes of sickness and despair." There was not, as a recent writer remarks, so much consideration for prisoners in Britain as there had been in the reign of the Emperor Constantine, for the Romans of the fourth century did not permit the imprisonment of men in the same room with women. Howard found a girl locked up all day with two soldiers in the Bridewell at St. Albans, and in many of the gaols there was insufficient provision for the separation of the sexes.

We have changed all that. The best prisons of England, France, the United States, Belgium, Italy, and some other countries, are models of ingenuity, cleanliness, and routine. It cannot be said, indeed, that we have succeeded in hindering communication

between prisoners, or in preventing an illicit traffic in tobacco, etc., or even the practice of unnatural intercourse; and we do not trouble ourselves too much to reform the prisoner. Yet even these laxities of discipline have added materially to the prisoner's comfort; and if we have not reformed the prisoner we have at least reformed the prison, an easier task, and one which shows more tangible results. "The prisoner of the present day is well cared for," remarked Dr. Gover, not many years ago, in a Report of the Directors of Convict Prisons; "he is supplied with all the necessaries, and not a few of the comforts of life; and his existence is, to say the least, rendered very endurable. The labour exacted from him is not irksome in its character, and he is not subjected to any depressing punishment unless it be for idleness or for serious misconduct." But the work is not of an exhausting character, so that there is no very strong motive to laziness. "Hard labour," Mr. Horsley remarks, "is such that no prisoner could get a living outside if he did not work harder." It is not surprising that under these circumstances the prisoner flourishes. "In our prisons now there is," said Sir B. Richardson, "a lower mortality and probably a lesser sickness than in the most luxuriously appointed and comfortable houses in the commonwealth." And what, he asks, is more natural when we find "epidemic poisons shut out of our prisons; famine shut out; luxury shut out; drink shut out; exposure to cold and wet shut out; the acute and most destructive kinds of mental worry shut out; the hungry strain for to-morrow's bed and board shut out; the baneful association with criminal life at large shut out!"

And yet we are dissatisfied! This comfortable, easy-going routine of the modern prison is viewed with scarcely more approval by the thoughtful investigator of to-day than the horrors of the primitive prison. It is deeply interesting and suggestive to take note of the opinions expressed during recent years by those most intimately acquainted with the modern prison. "Why are our prisons failures?" asks Mr. Horsley, who is as impressed as much as any one by the material progress of prisons. "Men are asking, and will more loudly ask, 'Why are our prisons such utter failures?' In the face of the phenomena of recidivism, and men and women with hundreds of convictions, it is absurd to imagine that they are as deterrent as they should be." The prisoner is, he points out, but temporarily suspended from habits of crime by circumstances not under his own control: "He may even boast of his intentions, but out he must go, with as much safety to the State as if all mad dogs were muzzled for twenty-four hours and then all unmuzzled, because it had been found that in that period a certain proportion ceased to be dangerous; or as if all small-pox patients were discharged from hospital so many weeks after reception, whether cured or not."[1] Another prison chaplain (Rev. C. Goldney), speaking from an experience of twelve years, writes still more recently:— "I say, unhesitatingly, that if a society for the manufacture of criminals were set on foot, that society could in no better way further its aims than

[1] *Jottings from Jail* (1887), pp. 186, 190. Judge Willert (*Das Postulat der Abschaffung des Strafmasses mit der dagegen Erhobenen Einwendung*), as quoted by Garofalo, uses the same simile to show the absurdity of this system.

by pressing for the imprisonment of every little boy and girl who could, on any decent pretext, be brought before a bench of magistrates. Prison officials well know the hardening influence of gaol life on the young, and statistics show how unlikely it is that the first term of imprisonment will be the last in the case of children of tender years. They learn the secret which should jealously be kept from them —that a short imprisonment is after all no such very terrible punishment." Mr. Michael Davitt has learnt by actual experience the realities of English convict life at Dartmoor, Portsmouth, and Portland, and the valuable book in which he has summed up those experiences is full of wise and fruitful suggestions. After pointing out that philanthropic intentions on the part of the heads of a department are no guarantee for their administration at the hands of warders and assistant-warders, he continues[1]:—"Penal servitude has become so elaborated that it is now a huge punishing machine, destitute, through centralised control and responsibility, of discrimination, feeling, or sensitiveness; and its non-success as a deterrent from crime, and complete failure in reformative effect upon criminal character, are owing to its obvious essential tendency to deal with erring human beings—who are still men despite their crimes—in a manner which mechanically reduces them to a uniform level of disciplined brutes. There is scarcely a crime possible for man to be guilty of, short of murder, which should not, in strict justice, be expiated by seven years' infliction of a punishment that has been brought to such a nicety of calculation that there is the closest possible surveillance of every one

[1] *Leaves from a Prison Diary*, pp. 173, 174.

undergoing it night and day, together with an unceasing conflict between every feeling in the prisoner that is superior to a mere condition of animal existence and the everlasting compulsion to refrain from almost all that it is natural for man to do, and to do what it is to the last degree repugnant for any rational being to consent to perform. Yet wretches who have had a London gutter or a workhouse for their only moral training-school, and who have been subsequently nurtured in crime by society's other licensed agencies of moral corruption, receive ten, fifteen, and sometimes twenty years for thefts and crimes which should, in justice, be expiated by a twelve months' duration of such punishment. It is these horribly unjust penalties that beget many of the desperadoes of Portland, Chatham, and Dartmoor, the murderers of warders, the malingerers, and the partial maniacs, and which implant in the minds of convicts that ferocious animosity against law and society which turns so many of them into reckless social savages." Prince Krapotkine has also had practical acquaintance with prisons, and his conclusions also are deserving of study. In his very interesting book, *In Russian and French Prisons*, after describing the routine of the Maison Centrale at Clairvaux, one of the best-arranged of modern prisons, he adds:—"Such is the regular life of the prison, a life running for years without the least modification, and which acts depressingly on man by its monotony and its want of impressions; a life which a man can endure for years, but which he cannot endure—if he has no aim beyond this life itself—without being depressed and reduced to the state of a machine which obeys but has no will of its own; a life which results in an atrophy of the best qualities

of man, and a development of the worst of them, and, if much prolonged, renders him quite unfit to live afterwards in a society of free fellow-creatures." And again he remarks:—"The real cause of recidivism lies in the perversion due to such infection-nests as the Lyons prison is. I suppose that to lock up hundreds of boys in such infection-nests is surely to commit a crime much worse than any of those committed by any of the convicts themselves."[1] M. Émile Gautier, a companion of Prince Krapotkine's, who has written a series of remarkable articles on this subject,[2] calls the prison a hot-house for poisonous plants. He points out what has often been remarked by others (Mr. Davitt, for instance), the great difference between the "bon détenu" and the "bon sujet." "The recidivists are always the most easy to manage, the most supple—or the most hypocrital—and therefore the favourites with the officials. The misfortune is that this 'bon détenu,' according to the formula, soon becomes under this *régime* as incapable of resisting his comrades, instinctive criminals or professional evil-doers, as the warders, and as little refractory to temptation, to unwholesome stimulus, to the attraction of an illicit gain, or to the contagion of bad example, as to discipline. He can only obey—no matter whom!" And elsewhere he says: "It is well to remark that there is not one of the passions, natural or factitious, of man, from drunkenness to love, which cannot find in prison at least a semblance of satisfaction. . . . It need not be said that the prisoner afterwards carries out with

[1] *In Russian and French Prisons* (1887), pp. 263-283.

[2] "Le Monde des Prisons," *Archives de l'Anthropologie Criminelle*, 1888.

him into the world all these abnormal vices in a more developed form. The prison indeed, as it is organised, is a sewer throwing out into society a continuous flood of purulence, the germs of physiological and moral contagion. It poisons, brutalises, depresses, and corrupts. It is a manufactory at once of the phthisical, the insane, and the criminal." Dr. Napoleone Colajanni, the eminent criminal sociologist of Naples, confirms from personal experience the evidence given by Prince Krapotkine and M. Gautier. A writer who is peculiarly well informed as to the manners and customs of the criminal classes in England writes :—" Looking at our present system of dealing with thieves, examining it from every side, it is clear that nothing can be more clumsy and inefficient—except for evil. Let any one of robust health fancy himself a prisoner within four walls, employed day after day in severest labour, without a face to look at except that of the tyrant warder or the scowling criminal, without relaxation or kindly intercourse of any kind ; with nothing, in short, to subdue the darker feelings, but with everything to nourish them. Let any one of robust health fancy himself enduring this year after year—for a fifth, a fourth, or even half of a life—and then say what sort of creature he would probably become. Then there is the expense of a system which does not reform nor get rid of the thief—in old days gaol fever did the latter when the halter failed—but merely hoards him up for a while to turn him loose on society more wolfish than ever. As we deal with the thief he is our most costly national luxury."[1] The courts of Paris and of Bourges have not hesitated to declare

[1] *Sketches from Shady Places*, by Thor. Fredur (1879), pp. 206-7.

that the chief cause of recidivism is to be found in the prison and its *régime*.[1] In one of the foremost American States, Ohio, an influential committee, including the Governor of the State, has reported: "With less than half-a-dozen exceptions, every gaol in Ohio is a moral pest-house and a school of crime." A late Chief Justice of England (Lord Coleridge) is reported as saying, in 1885, that "there were few things more frequently borne in upon a judge's mind than the little good he could do the criminal by the sentence he imposed. These sentences often did nothing but unmixed harm, though he was sure that throughout the country the greatest pains had been taken to make our prisons as useful as possible in the way of being reformatories. But, as a matter of fact, they were not so."

M. Laloue, inspector-general of prisons in France, stated before a commission that "with our existing system, twenty-four hours' imprisonment suffices, under certain circumstances, to ruin a man." The following conversation ensued. *M. Tailhand:* "There is perhaps some exaggeration in the statement that twenty-four hours' imprisonment can ruin a man." *M. Laloue:* "I do not exaggerate. I say what I have seen. The prisoner meets a corrupt recidivist; they appoint a *rendez-vous* outside, and that man is lost." *M. Tailhand:* "He must be a man of very weak character." *M. d'Hausonville:* "It is such characters that succumb."

Professor Prins, inspector-general of Belgian prisons, and the chief authority in Belgium on these questions, writes:—"What is the advantage, unless the necessity is absolute, of putting into prison the head of a family

[1] *Enquête Parlementaire*, tome v., pp. 345, 381, 542, quoted by Joly.

to devote him to infamy, to compromise him in the eyes of his fellow-workmen, of his wife, and of his children? Is it not to condemn these latter to abandonment, misery, and mendicity? Is it not to join to the wretchedness which is the act of destiny, a wretchedness which is the act of law? Is it not, in short, to degrade and ruin the delinquent, thus to deliver him over to the suggestions of despair, and to risk making him a recidivist?"[1]

Garofalo, the eminent Neapolitan lawyer, certainly one of the most sagacious of those who have in recent years studied the treatment of the criminal, writes:— "Suppose that in some legendary country an austere king forbade all flirtation with married ladies, and that the punishment threatened to the guilty one should be a prohibition to leave during several weeks a certain club, a magnificent hotel, with gardens and terraces, where this gentleman would find his best friends, his old comrades at board and game, who, far from blaming him, would be glad to do the same. In this sympathetic environment we may be sure they would treat with much contempt the absurd law and the punishment it inflicted. Who would not laugh to think that it should be pretended that after such a punishment this individual would not recommence his ordinary life and commit again the very offences for which he has been punished?"[2]

"Imprisonment," affirms Reinach, in his often-quoted work, *Les Récidivistes*, "especially if short, is an excitation to crime." "As to the reformation of the criminal," remarks Dr. Paul Aubry, in a recent and able study, *Le Contagion du Meutre*, "that is a

[1] Adolphe Prins, *Criminalité et Répression*, 1885.
[2] *La Criminologie* (1888), p. 220.

myth; the prison is still the best school of crime which we possess." "The houses of correction are much more houses of corruption," said a young Italian thief. "Clever robberies are arranged in prison," a thief told the Abbé Moreau; "the prisoners all know each other; once at liberty they can find one another." "I have seen young men enter the Grande Roquette," the Abbé observes elsewhere, "guilty, but not corrupted, who went out decided to commit crimes which a few months before they would have regarded with horror."

It is unnecessary, I trust, to accumulate further evidence on this point; it is a melancholy though far from a difficult task. It must be sufficiently clear that the modern prison, with its monotonous routine of solitary confinement, varied by bad company, is fruitful of nothing but disaster to the prisoner and to the society on which he is set loose. Such mitigation of its influence as may be found is chiefly due to voluntary charitable agency.

There is one group apart from the chorus of damnation which has of late years greeted the modern developments of the prison. Unfortunately it is a sinister and terrible group of exceptions. The prison is an incubator for those who are young in crime, a place of torture for those who possess the finer feelings of humanity, that is precisely the class of people, usually, who ought not to be sent to prison; but to habitual offenders, the confirmed recidivists, precisely the class of people on whom the prison ought to work as at once a reforming and deterring influence, it is simply a welcome and comfortable home. It is a well-known fact that the prison is preferred to the workhouse. "Whole

classes," as Mr. Horsley truly remarks, "are brought to consider that, from several points of view, the prison is preferable to the workhouse." "Amidst the mass of our fallen sisters in gaol," a prison matron observes (*Female Life in Prison*), "there are these strange practical philosophers — women who have weighed all the chances between the workhouse and the prison, and who, being compelled to choose between one and the other, strike the balance in favour of the gaol. A little less liberty, but more kindness and attention; better food and more friendly faces—only the key turned upon them, and their sleeping chamber called a cell!" "It is a painful fact," remarks Mr. F. W. Robinson, "that the ordinary female convict considers herself above the woman in the Union. 'Look at these shawls,' was said once by an indignant prisoner upon a new style of shawl being introduced into the service; 'do they take us for those poor workhouse wretches, I should like to know!'" The author of *Five Years' Penal Servitude* says—"A farm-labourer has told me frequently that he worked far harder for his eleven shillings a week than ever he had at stone-quarrying or anything else in prison. When at home he seldom, if ever, had meat of any sort, and his bed was but a poor affair compared to his prison couch. Here in prison, comparatively speaking, he fared sumptuously every day, and I can assure the reader he considered the living luxurious compared to what he had at home." "There can be no doubt," as Beltrani-Scalia remarks, "that the life of a prison is superior, from a material point of view, to that which most prisoners are accustomed to lead in liberty." To the habitual criminal that is everything. The perpetra-

tion of offences for the purpose of obtaining admission to prison is far from uncommon, and the criminal slang of various nations with its friendly synonyms for the prison is very significant on this point. There is a popular Sicilian song which says: "He who speaks evil of the Vicaria [prison of Palermo] ought to have his face cut. He who says that prison punishes, how he is deceived, poor devil!"[1] And again: "Here only will you find your brothers and friends, money, good cheer, and a peaceful time; outside you are always in the midst of your enemies, and if you cannot work you will die of hunger."[2] Reinach mentions a mason who at the beginning of winter committed a small offence in order to spend the winter comfortably in a warm prison. The prison of Vienne (Isère) has, it is said, long been a favourite place of resort during the winter. Several of the hundred prisoners studied by Rossi had sought in prison a winter refuge. One who had frequently been in prison before for short terms, said—"Now I've had the good luck to get six months." A German criminal, who had just been released from prison, attempted rape. He received a sentence of eight years' imprisonment. He rose, thanked the court for the sentence, regretting, however, that it was not for a longer period, and adding that he had only committed the offence as an agreeable way of returning

[1] "Cu dici male di la Vicaria
Cei farrissi la faccia feddi-feddi.
Cu dici cà la carcere castia
Comu v' ingannati, puvireddi!"

[2] "Qua sol trovi i fratelli e qua gli amici,
Danari, ben mangiare e allegra pace;
Fuori sei sempre in mezzo ai tuoi nemici;
Se non puoi lavorai muori di fame."

to prison, where alone he found pleasant society and a life free from care. Manduca speaks of a man, advanced in years, who had just completed a long term of hard labour, and finding himself without means of subsistence, killed without any cause an old friend of his childhood. Bretignères de Courtelles found that 17 out of 115 prisoners entered prison in order to restore their health.

The habitual criminal who has grown accustomed to prison life cares for no other, and is suited for no other. "I have seen men," said Lauvergne, "almost dying from home-sickness because they must soon leave the prison." Jules Vallès spoke of *l'air vénérable* of the old convict; Émile Gautier calls it *l'air reposé*. Prison, he adds, is a kind of nirvana, and he tells of an old convict who possessed in a high degree this *air vénérable*, closely resembling Thiers, who, at the end of five years' sentence passed at Clairvaux, wrote as follows to the director:—"Sir, you know me. You know who I am, what I am worth, and what services I can render you. Now I am about to be thrown up again into the world, where I shall not know what to do. As soon as I have consumed my allowance in having a good time I shall immediately get myself arrested. May I beg of you to have the extreme kindness, as soon as I am again condemned to several years' imprisonment, to claim me for Clairvaux? I will inform you as to time and place, and in the meanwhile kindly reserve my place. Neither you nor I will have to repent of this agreement." That letter, more pathetic than amusing, is the logical outcome of our prison system quite as much as of our social system.

The haphazard fashion in which the period of a

prisoner's detention is fixed on beforehand is quite in harmony with the unsatisfactory character of the results. On the 31st of March, 1888, there were in English convict prisons 6,970 persons. Of these, 3,034 were undergoing penal servitude for 5 years, the lowest term permitted by law; in the case of one solitary individual the exact period of 6½ years was required, while 1,387 needed 7 years of prison treatment. Only 6 persons had been guilty of an iniquity equal to 9 years' penal, but no fewer than 1,022 had committed an offence equivalent to 10 years' penal servitude, while 1 person only in England, having managed to just surpass this sum of iniquity, was in for 11 years. There were 240 in for 20 years, but only 3 for 21 years, and to 1 individual had been meted out exactly 29 years. It would be interesting to know by what delicate and complicated considerations this precise sum of guiltiness was reached.[1] If

[1] Mr. Francis Galton has more recently (*Nature*, 20th June, 1895) studied the psychological peculiarities of judges as evinced by the lengths of their sentences, using as a basis some 54,000 sentences recorded in a Parliamentary Blue Book. "The extreme irregularity of the frequency of the different terms of imprisonment," he remarks, "forces itself on the attention. It is impossible to believe that a judicial system acts fairly, which, when it allots only 20 sentences to 6 years' imprisonment, allots as many as 240 to 5 years, as few as 60 to 4 years, and as many as 360 to 3 years. Or that, while there are 20 sentences to 19 months, there should be 300 to 18, none to 17, 30 to 16, and 150 to 15." The number 17, Mr. Galton remarks, is one that all persons have an indisposition to use. I may add that the term of 7 years, which by Mr. Galton's, as well as by other data, is found to be frequent, is due to a general predilection for the number 7, well recognised by conjurers, who, as Binet points out (*L'Année Psychologique*, 1898), largely rely on it in forcing their subject to select a particular card; 7 is not, however, frequent in the terms of months or of weeks, for here the judge is dominated by the obsession that he must use 2 as the weekly multiple for the month, and 3 as the monthly multiple for the year. Mr. Galton points the moral as to "the large

we turn to the statistics of the United States at the same period we shall find the same peculiarities, though the variations in the periods doled out to long-term prisoners are spread over a wider field; they begin at 1 year, and include 18 for 50 years, and 82 for 99 years. "The favourite sentence," as Mr. Wines remarks, "seems to be two years; then five, then three, then one, then four, then ten. There is throughout a tendency apparent to choose sentences, the numbers representing which terminate in the figure five or a cypher."[1] In England the decimal unit is held in chief favour by judges, whether or not they realise what it may mean to the man who afterwards thus tells his experience:—"There on my cell wall was the card; it bore my name and my sentence —20 years. No wife to cheer, no children to prattle at my knee; 20 years! O God! will it ever end? 20 years,—240 months,—1,040 weeks; oh, this dread future!" The sentence may be just or not, but, whether he will or not, the judge must fix on some definite term, with such results as we see. When Pantagruel arrived at Myrelingues, he found that Judge Bridoye, after carefully considering all the

effects upon the durance of a prisoner that flow from such irrelevant influences as the associations connected with decimal or duodecimal habits, and the unconscious favour or disfavour felt for particular numbers."

[1] *American Prisons*, by the Rev. F. H. Wines, the able secretary of the National Prison Association. A great amount of valuable information is compressed into this little pamphlet. Mr. Wines has endeavoured to ascertain if the variation in usual length of sentence in different states has any relation with amount of crime in that state. He was not able to find any connection. "Apparently, the length of jail sentences pronounced by the court has no effect either to increase or to diminish crime." If this is so, there arises, as he remarks, the question, "What useful purpose do our jails subserve?"

facts of a case, was accustomed to decide it by means of dice; and Pantagruel fully admitted the humility, piety, and impartiality of this method. If our judges, before pronouncing sentence, were first to determine the years to be awarded by a solemn casting of dice, the result might be as good as those reached by the not very dissimilar system now adopted. "Are prisons necessary?" asks Prince Krapotkine, and the question has been variously and timidly echoed in modified forms. Necessary or not, the institution is still so deeply rooted in civilised societies that it is idle yet to talk of overturning it. In spite of its acknowledged inutility we are content to pay very large sums in maintaining it, and no other method of treatment could be suddenly substituted. In England in 1889 there were 6,405 persons undergoing sentence of penal servitude; in the United States there were recently 31,000 long-term prisoners; the various species of prisons in Italy contain some 70,000 persons, including 5000 incarcerated for life; in Germany, during six years, according to Professor Liszt, no fewer than 10,000,000 persons are imprisoned or fined. It is clearly idle to talk yet of the abolition of so flourishing an institution: can we give it real social utility?

The key to the failure of the prison, and a chief clue in its reform, lies in the system of administering definite and predetermined sentences by judges who, being ignorant of the nature of the individual before them, and therefore of the effect of the sentence upon him, and of its justice, are really incompetent to judge. Enough has been said of long sentences, the justice of which, it is obvious, must be quite a matter of chance. But the short-term imprisonments

reveal quite as clearly the inadequacy of the system. The newspapers constantly tell of old offenders who have been in prison for over a hundred short periods. In a recent report of the Prisons Board of Ireland, the case of a woman is mentioned who was committed to Grangegorman prison thirty-four times during 1888, and never received a sentence for a larger term than fourteen days. This woman had been committed 146 times in previous years, so that she has undergone in all 180 imprisonments.

Society must say, in effect, to the individual who violates its social instincts: So long as you act in a flagrantly anti-social manner, I shall exercise pressure on you, and restrain, more or less, the exercise of your freedom. I will give you a helping hand, because the sooner you begin to act socially the better it will be for both of us. I shall be glad to leave you alone, and the sooner the better; but so long as I see that you are a dangerous person, I shall not entirely leave my hold on you.

That is the only attitude towards the criminal which is at once safe, reasonable, and humane. If, holding this lamp, we turn to our prison, we see at once how incompatible with such an attitude is the system of determining beforehand the exact period of the delinquent's detention. Many a man imprisoned for life, to his own misery, the ruin of his family, and the cost of the State, might with absolute safety to the community be liberated to-day; it is unnecessary to speak further of the thousands for whom society, inside or outside prison, has done nothing, and whom it liberates, with full knowledge that they proceed at once to prey upon itself. The great fault of our prison system is its arbitrary character. It is a huge machine

working by an automatic routine. The immense practical importance of criminal anthropology lies in this: that it enables us to discriminate between criminal and criminal, and to apply to each individual case its appropriate treatment.

The first reform necessary is the total abolition of the definite and predetermined sentence. The indefinite sentence is no longer new, either in principle or practice; all that is needed is its systematic extension. It has been adopted by many of the American states, including Illinois, Massachusetts, Pennsylvania, Ohio, Wisconsin, Minnesota, and Colorado.[1] It was first introduced at the famous State Reformatory of New York at Elmira by an Act passed in 1877. This Act took from the courts the power of definitely fixing the term of imprisonment, leaving this decision to the managers of the reformatory; the prisoner is ultimately let out on parole for a period of six months. Its establishment was due to the genius and experience of Mr. Z. R. Brockway, who had had a long practical training in prison management, and who was well acquainted with the nature of criminals.[2] Nearly 10,000 prisoners have now passed through Elmira under the indeterminate sentence. The prisoners are felons, not misdemeanants, and though they may have been in

[1] The Elmira system, remarks Mr. Charles Dudley Warner (American Social Science Association, Jurisprudence Department, 1894), "is to-day the most interesting educational institution in the world. There are being worked out many of the profoundest problems of sociology which claim the attention of scientific investigators. If I were asked by a foreigner to say what has been the most important contribution of the United States in this century to dealing with the abnormal excrescences of our civilisation, I should point to the Elmira Reformatory."

[2] Mr. Brockway was superintendent of the Reformatory from its establishment until 1900, when he resigned.

prison before they must not have been previously convicted for felony. Only a small proportion become recidivists. Before a prisoner is paroled a suitable situation is, if possible, arranged for him. Similar institutions are now being established all over the United States. The discretion of the managers of such institutions in retaining the prisoner is generally limited to some period between the maximum and the minimum periods fixed by law.

It appears that to Englishmen largely belongs the honour of first advocating the rational treatment of criminals. As early as 1781 James Hanway, in a little book on prison reform entitled *Distributive Justice and Mercy*, faintly suggested the indeterminate sentence:—"A temporary seclusion from the possibility of doing mischief, till a reasonable proof is given of true repentance, is the object we are seeking; if this expedient also comprehends the preservation of the subject to the State, can it cost too high a price? But if it shall appear to be in the issue considerably the cheapest method, can it be opposed?" In the early part of the century Simpson of Edinburgh appears to have urged in the *Law Magazine* that our prisons ought to be "moral hospitals" to which criminals should be sent to be cured. Captain Maconochie, superintendent of Norfolk Island, and an admirable reformer, also advocates the rational treatment of criminals, and proposed (as indeed Beccaria had previously done as regards theft) that quantity of labour should be substituted for time of imprisonment. Sir Henry Taylor was another early advocate of rational treatment. It is probable, however, that Frederick Hill (with the vigorous support of his brother, Matthew Davenport Hill) has had

most influence in this direction. From 1836 to 1847 Hill was Inspector of Prisons in Scotland. In 1853 he published a book on *Crime*, which was the outcome of his official experience. In this remarkable work he clearly advocated the indeterminate sentence; he argued that we do not send a lunatic to an asylum for a definite number of weeks or months, and that it is equally absurd to send a criminal to prison for a fixed period. It would be safest and most expedient, he argued, to treat criminals in somewhat the same manner as we treat lunatics, still leaving to the courts of justice to determine the guilt or innocence of the accused, while the reformatory authorities, under responsible supervision (as in the case of lunatic asylums), determined the time of release.[1]

In 1880 Garofalo—independently, it appears—advocated indefinite imprisonment in a pamphlet entitled *Criterio positiva della penalità*, published at Naples, and in his great work, *La Criminologie*, he wisely and consistently advocates the abolition of the definite sentence of imprisonment. In Germany it was advocated in 1880 by Dr. Kraepelin, a well-known authority on these matters (*Die Abschaffung des Straffmasses.* Leipzig), and in 1882 Professor von Liszt, of Marburg, supported it with the weight of his authority. The International Association of Criminal Law has adopted this principle, and at the meeting of the Association at Christiania in 1891, Professor van Hamel argued that every recidivist should be kept under observation for twelve months

[1] F. Hill, *Crime: Its Amount, Causes, and Remedies*, London, 1853. The book was to a great extent the outcome of Hill's reports (when inspector of prisons) to the Secretary of State on the prisons of Scotland, from the years 1836 to 1847.

in a special establishment. He should then be brought before a special court who would hear the evidence of doctors and officials, and determine the method of treatment to be applied to him. The distinguished advocates of the indeterminate sentence in all civilised countries are now too numerous to mention. This fruitful reform, which sprang up with apparent spontaneity among the Anglo-Saxon, Latin, and Teutonic races, although of such recent growth, needs little advocacy. It is so eminently reasonable that to state it seems sufficient to ensure its acceptance. When its advantages are generally known and realised it will undoubtedly spread in the same way that it has already spread throughout the United States.[1]

While the indeterminate sentence is an absolutely essential reform, if our prison system is to be redeemed from the charges that now weigh so heavily upon it, it is still only a preliminary step.

One of the first and most obvious consequences is

[1] Yet, although it was to the practical sagacity of Englishmen that we owe the first conception of this great reform, and although it has been approved by the Departmental Committee appointed to inquire into the working of English prisons, any further step is still blocked by what appears to the outsider to be official inertia and ineptitude. Mr. Ruggles-Brise, the chairman of the English Prison Board, believes that the indeterminate sentence must "unsettle the prisoners." Such a remark, as has been pointed out by others, reveals the mind of the typical gaoler. It is scarcely necessary to remind the reader of the present work that a very elementary acquaintance with criminal psychology shows us that the "settled" and "disciplined" criminals are precisely the least hopeful class. To license crime (as Warner puts it) by allowing the criminal to treat imprisonment merely as a kind of tax which he must pay as good-temperedly as possible, is doubtless "settling" to the prisoner's mind and comfortable for the official mind. It is not satisfactory for society nor ultimately for the criminal.

the necessity of reorganising—or, rather, of organising—the prison staff. It is unnecessary to show here, for it has often enough been shown by those who are familiar with the inside of a prison, that practically the prisoner is always at the mercy of the warder. The philanthropic head of the department, at a distance, must always count for less than the warder, philanthropic or otherwise, on the spot. Whatever educative and socialising influences the prison may possess must pass chiefly through the hands of the warders with whom the prisoner comes chiefly in contact. It is not necessary to investigate the character and conduct of the average warder. Those who appoint him and are satisfied with him are the responsible parties. It is enough to say that the prison-warder of to-day is about as well fitted for the treatment of criminality as the hospital nurse of a century ago was fitted for the treatment of disease. Every one now recognises the immense importance for the inmate of a hospital of good nursing by a trained nurse; the doctor himself is the first to proclaim the essential nature of skilful and intelligent nursing. Yet the criminal, in all his manifold variations, with his ruses, his instinctive untruthfulness, his sudden impulses, his curiously tender points, is just as difficult to understand and to manage as the hospital patient, and unless he is understood and managed there is no hope of socialising him. In Italy, France, Belgium, and Switzerland there are, I believe, institutions for the training of prison attendants, but as yet they have been of little effect, as they have not apparently been conducted in connection with the prison, nor on a scientific basis. Their establishment is a pressing necessity; no person should be appointed to any

position involving the care of criminals who has not been qualified by training in such a school. He would here become acquainted with the peculiarities of the various classes of criminals; he would learn to work with them and to instruct them; and, not least, he would learn to rate at its proper value the difficult and important profession on which he was entering. It is this sense of a noble social function, full of privileges as well as responsibilities, which has raised nursing to its present high position and has brought into the ranks of nurses so large a leaven of capable and refined women.

At the same time the education of the criminal need not be entirely in the hands of officers the greater part of whose time is passed within the prison. There is considerable force in the remark of Dr. Wey, the able physician of the Elmira Reformatory, concerning the advantage of the prisoner having highly skilled teachers, fresh from the outside world and mingling daily in the affairs of men. The barrier which has, in most civilised countries, been set up between the criminal and the outside world must be to some extent broken down. This is necessary in the interests of both parties. The criminal cannot be too carefully secluded from his fellow-criminals, neither can he have too much of outside socialising influence, if he is to be won back from the anti-social to the social world. In some of the colonies, it is said, good results have come of voluntary visiting. It is necessary, however, that this should be judiciously regulated so as to exclude fanatical, inexperienced, and merely curious persons. Mr. Tallack tells us some amusing stories concerning the results of allowing ignorant and foolish visitors. Thus a gentleman,

by talking of hell-fire, succeeded in so thoroughly exasperating a prisoner that the latter seized him, and exclaiming, "I have hell enough here already without you bringing me more of it," would have administered summary chastisement had not a warder appeared. It is obvious that the more we restrict the intercourse of criminals in prison between themselves the more necessary it becomes to supplement the limited staff by assistance from without, which, while carefully chosen, must be chiefly voluntary. On the other hand, if we are to learn to know the criminal thoroughly, so as to learn at once how to treat him and how to protect ourselves from him, we must have a certain amount of access. "The time has now come," as Dr. Maudsley has well said, "when we ought to use our prisons as we do our hospitals, not only for the care and treatment of their inmates, but for the advancement of knowledge and the improvement of man's estate."[1] And M. Tarde, speaking, as a *juge d'instruction*, from a different point of view, insists in his well-known work, *La Criminalité Comparée*, on the need of every law student completing his course by an obligatory attendance of six months at the *Clinique Criminelle* of a prison.

When we have caught our criminal we put him at once into solitary confinement. If rigidly carried out this plan has the advantage of secluding the criminal from his fellows. Regarded as a rational method of treatment, cellular confinement is a curious monument of human perversity. That it should have been established shows the absolute ignorance of criminal

[1] "Remarks on Crime and Criminals," *Journal of Mental Science*, July 1888.

nature which existed at the time; that it should still persist shows the present necessity for a widespread popular knowledge of these matters. It may be possible to learn to ride on a wooden horse, or to swim on a table, but the solitary cell does not provide even a wooden substitute for the harmonising influences of honest society. To suppose that cellular confinement will tend to make the criminal a reasonable human being is as rational as to suppose that it will tend to make him a soldier or a sailor, a doctor or a clergyman. The mistake here is the old one that has vitiated so much of human action where the criminal is concerned—the mistake, that is, of supposing that at all points he is an average human being. Solitary confinement on a refined and cultured human being may produce a deep and lasting impression; a period of solitude, indeed, is for every intellectual person of immense value in helping him to know himself; though even here, if compulsory and unbroken, it can scarcely be without demoralising effect. But the case is quite different when we turn to the vacuous-minded, erratic, and animal person who is usually the criminal. Solitude produces in him, as Professor Prins remarks, no intellectual activity, and no searching of conscience; it serves merely to deepen his mental vacuity and to deliver him over to unnatural indulgence in the one animal appetite of which he cannot be deprived.[1] Professor

[1] It is unnecessary to consider here the relation of solitary confinement to insanity. This is still somewhat of a vexed question. The difficulty lies in the fact that the prisoner is frequently already predisposed to insanity. Everything depends on how the isolation is carried out. There is no question that cellular confinement, if sufficiently prolonged, leads to insanity. There is a very extensive literature dealing with this subject.

Prins points out, as does Prince Krapotkine, that the cell excludes all the bracing influences of struggle; the morality of the cell is submission, punctuality, quietness, politeness to warders. A moral life shut up in such a frame has nothing in common with social morality. Beltrani-Scalia, formerly Inspector-General of Prisons in Italy, is of the same opinion, and remarks that "the cellular system looks upon man as a brother of La Trappe."

Dr. Wey, of Elmira, states the rational method of treatment when he remarks—"Education means occupation, either mental or physical. The time of the convict should be so employed in his shop-work and school duties as to leave him no leisure moments in which to revive the past, and live over again in memory his criminal days or plan for the future; but each hour should bring to him its employments and engross his attention till the time for sleep."[1]

The experiments in the treatment of the criminal which have been carried on at Elmira are probably of more wide-reaching significance than any at present carried on elsewhere. It is worth while to consider them somewhat in detail. I select an experience carried on during 1886 and recorded by Dr. Wey, who had charge of it. On June 5th, 1886, Dr. Wey selected eleven "dullards" between the ages of nineteen and twenty-nine. For a period of one to two years previously these men had made no progress. "In physiognomy they presented features indicative of criminal tendencies. Not one had learned a trade, but all had made a precarious living as common labourers, tramps, hostlers, and street-loafers. One

[1] H. D. Wey, *Physical and Industrial Training of Criminals*, p. 55. New York, 1888.

was convicted for assault in the first degree; five for burglary in the third degree; one for grand larceny in the first degree; three for grand larceny in the second degree; one for rape, and one for attempted rape. The environment of most of the men previous to conviction was bad, many of them confessing to have had intemperate parents, while one told of an insane, and another of an epileptic mother." All however were well nourished, and their functions, save that of the skin (five had acne and one ichthyosis), well performed. "An idea of their mental attainments can be formed from the fact that one could neither read nor write; one barely do either; four understood the successive steps necessary to work an example in long division, but never could obtain the correct answer; while the balance came to grief upon the shoals of rudimentary arithmetic from notation to simple division. Their stock of information was surprisingly small, being generally limited to a slight knowledge of the things they liked to eat and the work they preferred to do."

The treatment adopted included a special dietary, bathing, massage, gymnastics, and a continuation of the usual school-work. The daily industries of the shop, etc., were suspended.

The food was varied each day, and was sufficient in quantity without being excessive; it was weighed out to each, and provided at a common table, instead of, as usual, in the cells, in unrestricted quantity. The experience at Elmira shows that better results are obtained when the amount of food is restricted than when it is unlimited in quantity. Dr. Wey is strongly in favour of a diet consisting chiefly of milk and bread and butter.

A GROUP OF DULLARDS (ELMIRA).

The bathing and massage formed a very important part of the treatment. The routine, after several trials, resolved itself into three baths a week—*i.e.*, one tub and two vapour baths one week, followed the next week by two tub baths and one vapour. "The tub bath consisted in placing a man in a tub of water heated to about 100° F., and leaving him there to rub and soap himself for fifteen minutes or longer. From the tub he was placed upon a marble slab, where he was drenched with hot and cold water and sponged. After this the body was spatted until the skin was in a glow, the muscles pinched and kneaded, passive motions of the joints employed, followed by a brisk rubbing with a coarse wash-towel or Turkish bathing mitten, all this being done by a professional trainer, who was available at the time. Being obliged to make use of the facilities at hand, the vapour bath was the moist instead of the dry or heated air, and consisted of turning steam into a room, and maintaining an atmosphere of 115° F." This was followed by massage as before. After the bath the men usually slept until dinner-time.

After dinner they were put through two hours or more of active physical exercise. In the beginning this consisted of the drill employed in the case of raw recruits, supplemented by dumb-bell exercises. At first they were an awkward squad, slow to comprehend an order and deliberate in its execution. It was some weeks before they were able to march in line and to keep step.

On November 7th the class was discontinued, and the men were assigned to various shops and employments.

The results of this treatment were in every respect remarkable. "As they slowly advanced in their studies an increased mental activity was noted, and the workings of the mind were less forced and laborious than at the beginning. In mental arithmetic they made progress, and were able, with comparative ease and rapidity, to add three or four single numbers. "The drill and discipline they were subjected to wrought an improvement in their physical condition. The baths and stimulation of the cutaneous system brought the skin to the highest degree of functional activity, overcoming the integumentary disorders of five noted in the beginning. The daily drill and dumb-bell exercises hardened and developed muscles that previously were soft and flabby, and the entire muscular system acquired firmness and power. The setting-up drill improved the carriage and conferred a rapidity of action not before indulged in. The aimless shuffling gait gave way to a carriage inspired by elastic muscles and supple joints. The faces parted with the dull and stolid look they had in the beginning, assuming a more intelligent expression, while the eye gained a brightness and clearness that before was conspicuous by its absence. With physical culture and improvement there came a mental awakening, a cerebral activity never before manifested in their prison life. The purely animal man with his ox-like characteristics seemed to recede before the intellectual. Their progress in school-work was not steadily onward, but intermittently progressive." Whereas in the six months before the class was formed the men had obtained less than $\frac{1}{11}$ of a mark (for demeanour, labour, and school) per man each month, during the

PLATE XVIII.

A GROUP OF SEXUAL PERVERTS (ELMIRA).

six months that followed the breaking-up of the class the number of marks earned was $7\frac{17}{18}$ per month per man. There was a simultaneous and rapid improvement, moral, physical, and intellectual—an improvement that was common to all, although more pronounced in some, and which was very encouraging, considering the material of which the class was formed. A year later several had been released on parole, and were demonstrating their ability to maintain themselves honestly, while only two of them, still in prison, were not doing well.[1] The results of this and similar experiments were so satisfactory that a fully-equipped gymnasium and Turkish bath were erected.

In 1888, when the Yates bill became law, the productive prison industries of Elmira had to be suspended. "Within less than a month," wrote Dr. Wey to me, "from the passage of the bill, all the men who previously were employed in productive industries (industries yielding revenue) were being drilled in military evolutions and tactics. In other words, idleness was avoided by turning the prison into a military school. The men received from four to six hours of drill daily, which was sufficient to prevent them from rusting in their cells. By this means the health of the men was maintained, and opportunity was afforded for increasing the scope of school-work, trades, and letters. A drum corps was formed, and instruction given others in instrumental music, with the sequence that to-day [29th October 1889] we have a drum and fife corps of about twenty, and a band composed of

[1] See Dr. Wey's *Physical and Industrial Training of Criminals*, a valuable little work, in which all the details of this and similar experiences are given with care and fulness.

twenty or more wind instruments.[1] Two afternoons a week are devoted to military work, the balance being devoted to technical instruction. The effect of the military drill and discipline was so good in the way of a health measure and in improving the carriage of the men that I doubt if it will soon be discontinued. It was another phase of the application of physical training."

After this the industries of New York prisons were partially re-established. The Fassett bill, passed in the spring of 1889, enabled various industries to be apportioned to the various prisons, one prison not to compete with another, and the number of men engaged in any one industry in a prison not to exceed five per cent. of the total number engaged in the same industry throughout the entire state. The question of productive prison industry remained, however, far from settled.

The physical and industrial education is not the whole of the training given at Elmira. A third, and scarcely less important, factor is the moral and æsthetic training. There is no official chaplain at Elmira. "There is," says Mr. Brockway, "in the minds of men, as observed during imprisonment, an unexplained but actual repugnance to professional, official, and stereotyped religious phrases, while for the noble character of the practical Christian, in common affairs, unheralded and unnamed, there is among prisoners a quick and favourable response." Although there are no resident chaplains, various ministers and

[1] Sufficient attention does not appear to have been given to music in prisons. It is a civilising influence to which the criminal is often very sensitive. An able administrator at the convict prison at Toulon long since recognised this with happy results.

A GROUP OF THE MORE MANLY AND INTELLIGENT PRISONERS (ELMIRA).

PLATE XIX.

others—Protestant, Catholic, and Jewish—attend frequently, and hold services, lectures, classes, etc. The class in Practical Morality, originated a few years ago by Professor Collin, has been judiciously managed, and has proved a valuable feature in the work. The æsthetic culture has been chiefly carried on by means of the systematic study of literature. The results in this department have been unexpectedly encouraging. At first the men met the attempt with sullen stupidity as a new task imposed upon them. Gradually this impression was conquered; the men slowly began to acquire an eager appetite for Chaucer and Shakespeare, for Emerson and Browning. The applications for admission to the English Literature class became very numerous, and at one time there was so great a run on Jowett's Plato at the Reformatory library that a special regulation had to be made concerning its issue. It is satisfactory to learn that this taste has, in many cases at all events, survived incarceration, as a wholesome recreation for leisure hours. "In my work with the class in English Literature," writes the instructor in that department, Mr. Douglas, "I proceed on the basis that the earnest obligatory study—let me emphasise the word *study*—of mental and moral beauty develops or creates the mental and moral faculty of appreciation; and, furthermore, that mental and moral habits may be formed just as certainly as physical habits, and without any more conscious co-operation of the individual than is required in physical practice." It has been mentioned already that a newspaper, the *Summary*, is published within the Reformatory; it contains both local and general news, as well as passages from good authors; the inmates contribute to this paper, and at one time it

was ably edited by a prisoner. It has been said, with justice, that the *Summary* compares favourably with the average American newspaper published outside prison walls.

The prison, as Professor Collin remarks, must be "a moral hospital." As Sir Thomas More said long ago, the end of punishment is "nothing else but the destruction of vices and the saving of men." Mr. Brockway, and those who are working on his lines, have clearly realised this; the training they give is rational and scientific, and hence its success. During the thirteen years from the opening of the Reformatory to the end of 1898, nearly 9000 prisoners were received at Elmira on an indefinite sentence. Whether released by parole or expiry of sentence, 15.2 per cent. only are estimated as having "probably returned to criminal practices and contact."

Elmira is at present the most promising direction in which we can turn for light on the treatment of the criminal. Its wholesome and improving discipline stands in favourable contrast to the lax indulgence and shameful neglect of the criminal which coexist generally in the United States. The system is not perfect, and it has been unfavourably reported on by some observers. It is undoubtedly a defect that the prisoner must be released, whatever his condition, at the expiring of his legal maximum sentence; this is, however, an inevitable compromise. Notwithstanding all defects, Elmira is full of encouragement, for it shows us a community awakening to an active sense of its duties, so long forgotten, towards those weaker members who, if neglected, become so dangerous to themselves and to others. "It is an interesting sight," remarks Dr. Wey, "when the school is in session, to

see a group of men, felons every one, gathered about an instructor, intently listening as he makes clear some step in the work in hand not fully or clearly understood, going through the various processes, one by one, and explaining until the dullest mind can comprehend. It is not expected that, with the comparatively limited time for instruction, these men will become skilled mechanics. But rather the idea has been to train the hand and eye, and teach the use of tools, to awaken an ambition to pursue a lawful calling, and appreciate the value of a practical knowledge of a trade, so that when the time shall come that they pass beyond the prison doors, and again come into contact with society, they will not be handicapped by the same conditions that formerly operated to their detriment; but with increased resources of mind and body will be enabled to occupy a higher and more self-respecting place."[1] The example of Elmira is spreading in America; in Ohio, for instance, youthful criminals are being brought up on the broad basis of manual training, and among the branches of industry taught are farming, fruit-growing, carpentry, shoemaking, painting, tailoring, baking, laundring, housework, vocal and band music, telegraphy and printing. On the continent of Europe—especially, perhaps, in Germany—the system is beginning to attract attention; and while it would be too sanguine to conclude that Elmira has solved the question of the treatment of the criminal, there can be no doubt as to the value of its contribution to this difficult problem.[2]

[1] For some further information concerning Elmira, see Appendix C.

[2] It is perhaps worth noting that the highly intelligent and eclectic administration of Japan have adopted a very similar system, described in an interesting letter by Mr. H. Norman, when travelling commissioner

It can scarcely be necessary to say that in any effectual treatment flogging can have little part. It is true that at Elmira corporal punishment plays a certain part. It is here, however, regarded as treatment rather than punishment, and is always administered by the superintendent himself; even thus guarded it can scarcely be said to constitute one of the happiest features of the Elmira method. The objections to flogging are by no means of a sentimental character. We have seen that the instinctive criminal, although often cowardly enough, is by no means peculiarly sensitive to pain. Flogging is objectionable because it is ineffectual (as was shown long since), and because it brutalises and degrades

of the *Pall Mall Gazette*, under the title of "An Ideal Prison" (*Pall Mall Gazette*, 18th October 1888):—"Two days previously I had visited the house of the most famous maker in Japan of the exquisite *cloisonné* ware—the enamel in inlaid metal work upon copper—who rivals in everlasting materials the brush of Turner with his pigments and the pencil of Alma Tadema with his strips of metal. And I had stood for an hour behind him and his pupils, marvelling that the human eye could become so accurate and the human hand so steady and the human heart so patient. Yet I give my word that here in the prison at Ishikawa sat not six but sixty men, common thieves and burglars and peacebreakers, who knew no more about *cloisonné* before they were sentenced than a Hindoo knows about skates, doing just the same thing—cutting by eye-measurement only the tiny strips of copper to make the outline of a bird's beak or the shading of his wing or the articulations of his toe, sticking these upon the rounded surface of the copper vase, filling up the interstices with pigment, coat upon coat, and firing and filing and polishing it until the finished work was so true and so delicate and so beautiful that nothing except an occasional greater dignity and breadth of design marked the art of the freeman from that of the convict. *C'était à ne pas y croire*—one simply stood and refused to believe one's eyes. Fancy the attempt to teach such a thing at Pentonville or Dartmoor or Sing-Sing! When our criminal reaches his prison home in Tōkyō he is taught to do that at which the limit of his natural faculties is reached. If he can make *cloisonné*, well and good; if not, perhaps he can carve wood or make pottery; if not

those on whom it is inflicted, those who inflict it, and those who come within the radius of its influence. These facts are well known to those who have more than a superficial acquaintance with the insides of prisons, and should have been ascertained by those individuals who presume to legislate, before they voted in the face of reason and experience. To flog a man for whatever offence, however brutal, is to sanction his brutality. Capital punishment, which is brutal like flogging, is comparatively free from the brutalising influence of flogging. The method of flogging is so obviously unfit to humanise and socialise any human being, that the impulse to inflict it can only spring from a relic of savagery of the same

these, then he can make fans or umbrellas or basket work; if he is not up to any of these, then he can make paper or set type or cast brass or do carpentering; if the limit is still too high for him, down he goes to the rice-mill, and see-saws all day long upon a balanced beam, first raising the stone-weighted end and then letting it down with a great flop into a mortar of rice. But if he cannot even accomplish this poor task regularly, he is given a hammer and left to break stones under a shed with the twenty-nine other men out of 2000 who could not learn anything else." And in regard to punishment Mr. Norman observes:—"On leaving the dormitories we passed a small, isolated square erection, beaked and gabled like a little temple. The door was solemnly unlocked and flung back, and I was motioned to enter. It was the punishment cell, another spotless wooden box, well ventilated, but perfectly dark, and with walls so thick as to render it practically silent. 'How many prisoners have been in it during the last month?' I asked. The director summoned the chief warder and repeated my question to him. '*H'tori mo gozaimasan*—none whatever,' was the reply. 'What other punishments have you?' 'None whatever.' 'No flogging?' When this question was translated the director and the little group of officials all laughed together at the bare idea. I could not help wondering whether there was another prison in the world with no method of punishment for 2000 criminals except one dark cell, and that not used for a month. And the recollection of the filthy and suffocating sty used as a punishment cell in the city prison of San Francisco came upon me like a nausea."

kind as that which inspires the criminal, without his excuse of a morbid or defective organisation. It can only be said in excuse of those who advocate it that they have no experience in the matter. Those who have witnessed it have, however, recorded their experiences. Thus, to mention one instance, Sir Robert Rawlinson, after giving a vivid account of flogging as he has himself seen and heard it, adds:—"I will strive in my mind to judge those members of Parliament who now advocate the revival of corporal punishment charitably, by considering that they have never seen it as I have feebly attempted to describe it: the degraded man lashed to the triangles, the white clean skin of an Englishman exposed to the cool morning air, to be scored, cut up, and scarred into a pulpy, blood-smeared lump of living human flesh. Take the vision away: it is too hideous even to remember." Even if there were less evidence as to the ineffectual character of flogging as a deterrent, and to its bad influence on the *morale* of a prison, we cannot afford to flog any human being. It is well to meditate on the words of Dostoieffsky, who was familiar with the various forms of flogging, and has recorded his convictions in his *Recollections of the Dead-House.* After giving his opinion that "the rods are the most terrible punishment in use among us," and speaking of the demoralising influence of flogging on those who inflict it, he concludes:—"Let me add that the possibility of such a licence acts contagiously on the whole of society: such a power is seductive. A society which regards these things with an indifferent eye is already infected to the bone. The right accorded to a man to punish his fellows corporally is one of the sores of our society; it is the

surest method of annihilating the spirit of citizenship." Flogging has not yet reached among us the extension which it then had in Russia and in Siberia, but its character and influence remain the same, and the warning seems to be still needed.

With the indeterminate sentence must always be associated conditional liberation—*i.e.*, liberation by ticket-of-leave or on parole, liable to revocation in case of misbehaviour. It is not, however, necessary to insist on this, as the principle has long been practically recognised in England and elsewhere. It exists in Belgium, some of the American states, Hungary, Saxony, Switzerland, the Grand Duchy of Baden, Norway, etc.

A very desirable accompaniment to any system of dealing with criminals is a sound system for their registration and recognition. The method worked out by M. Alphonse Bertillon is now adopted in France, Russia, Japan, Spain, Italy, Norway, Belgium, the Argentine Republic, the United States, the chief cities of Germany, and other countries. It was finally (in 1894), notwithstanding official opposition, introduced in a reduced form (but with the addition of Galton's method of finger-prints) into England, as also into India. Photography alone, or the assertion of a policeman, constitutes a hopeless method of identifying a criminal, and the majority of criminals have not only been allowed to escape recognition, but in some cases grave injustice has been done through imaginary recognitions. The anthropometrical Bertillon system—now too well known to need description here—is almost absolutely certain, and can be manipulated with the greatest ease and rapidity.

Many alienists and others have advocated the

establishment of special institutions for those mentally depreciated criminal degenerates whose proper place, it is argued, is not a lunatic asylum, nor a reformatory, nor a prison. Dr. Jules Morel, a well-known alienist and medical inspector of Belgian prisons, is a conspicuous advocate of such institutions.[1] While such subjects should certainly not be put into asylums—the whole tendency of criminal anthropology, we have to remember, is opposed to the assimilation of the criminal with the insane—it is not so clear that the degenerates should not be placed in prisons of the Elmira type. If the establishment of special institutions were made an excuse for leaving our prisons in their present state, they would constitute but a mixed benefit; if, on the other hand, our prisons, under a more strenuous *régime*, were rendered powerful engines for the moral and physical betterment of criminals, it is probable that even the advocates of special institutions for the degenerate would agree that such institutions are unnecessary.

It has been argued by some, and many have supposed Lombroso's influence to tend in this direction, that there is really little reason to hope for the betterment of criminals.[2] The assimilation, on which I have insisted, of criminals with the idiotic, imbecile, and weak-minded class, may seem further to strengthen

[1] See, *e.g.*, Morel, "Need of Special Accommodation for the Degenerate," *Journal of Mental Science*, Oct. 1894. Magnan advocates hospital-prisons for intermediary mixed cases of whose sanity it is difficult to speak definitely. Dr. J. L. A. Koch, Superintendent of the Wurtemberg State Lunatic Asylum, appears to have first recommended such institutions in 1888.

[2] I may mention that Dr. Penta, the criminal anthropologist best acquainted with the criminals belonging to the most criminal region in Italy, does not share the view that criminals are unimprovable.

PLATE XX.

such a conclusion. If criminality is a condition largely due to inborn defect, what can we do to amend it? The answer to such a question may be found in the results attained by such an institution as that at Bicêtre.[1] If such remarkable results may be obtained by rational scientific treatment—aided, it is true, by infinite patience and devotion—in the worst class of congenital defectives, what may we not hope among a class whose defectiveness, though of a more anti-social and dangerous character, is far less profound? The hopeful results at Elmira among adults indicate that still better results could be attained were we to catch our subjects at an early age. To eliminate criminality from the world would doubtless be a Utopian project. The surest way of approaching such a consummation is to devote all our insight, knowledge, and effort to the recognition and training of the congenitally anti-social class at the earliest age.

Thrusting a man into prison, when everything is said, is a measure only to be taken with the utmost circumspection, after consideration of the individual's antecedents, and a clear conception of the ends to be attained by imprisoning him.[2] To relegate almost indiscriminately to prison the miscellaneous army that file through a police court is an ignorant and dangerous policy; there is little hope of good result, and a considerable chance of evil result. If the period is for a few weeks only no permanent bene-

[1] See Bourneville's annual reports, *Recherches Cliniques et Thérapeutiques sur l'Epilepsie, l'Idiotie*, etc.

[2] The fact that imprisonment may lead to a severe charge on the State is an additional reason for possessing a clear view of the ends to be attained by it. In 1890 a man died in Geelong prison (Victoria) aged 101; he had been condemned in 1819, and had thus been kept at the expense of the State for 71 years.

ficial end can be anticipated, even under the best of conditions; while during so short a period no useful work can be commenced, so that there is a direct incitement to idleness. When the prison has been decided on, the period of detention must be indefinite, according to the results attained in the opinion of those competent officers specially appointed to form such decisions, and the liberation will be conditional.

It is a wholesome sign of progress that in so many European countries substitutes for the prison, in the case of minor offenders (*i.e.*, occasional criminals), are being anxiously sought and gradually adopted. One cannot avoid seeing how many individuals are unnecessarily condemned even to penal servitude. In our convict prisons there exists a very excellent plan, entirely in accordance with rational principles, of forming what is called a "Star" class of convicts—that is, a "special class of those not versed in crime." The authorities "cannot speak too highly of the general tone and behaviour" of these men, their "decidedly good disposition," "keen anxiety to gain a knowledge of some sort of trade," sense of "the moral degradation in which they have placed themselves," etc. Their industry and freedom from prison offences are so marked, "and the special reports on the subject have been so uniformly to the same effect, that it is no longer necessary to call for such reports." This is all very gratifying, but it is not at all clear that these men should have been convicts at all. There are other and more satisfactory methods of dealing with such persons.

It is not possible here to do more than touch slightly on the various methods of dealing with occasional criminals. The one that approaches most

nearly to imprisonment is the method of pronouncing suspended sentences of imprisonment to hang over the inculpated individual during a limited period, at the end of which period, if his behaviour is good, the sentence lapses. Imprisonment is thus, as Mr. Tallack remarks, commuted into liability to imprisonment. This plan, applied to minor offences, was adopted in Belgium in 1888, as in France and some of the United States. In England the First Offenders' Act enables the magistrate to accept the prisoner's own recognisances to come up for judgment if called upon, but the law does not seem to be applied so frequently as is desirable. The old English system of recognisances, in which the guilty party deposits a sum of money, is an excellent guarantee to society against his recidivism, and is deserving of extension to all those cases to which it may prove adapted. This plan has been adopted in the United States and in Denmark. A very large proportion of small offenders can be dealt with adequately by means of a fine. This should not be of too trifling a character when the offence has been frequently repeated, and the means of the offender are ample. Nor does it appear desirable that the offender should be allowed at will to choose between fine and imprisonment. The notion of reparation should be combined with the fine when possible, the offender, as Garofalo proposes, paying an indemnity to the injured person, and a fine to the community. With our abstract and impersonal method of dealing with crime, we are much too apt to forget the recompense that is due to the injured person. Féré has suggested that the State ought to undertake this reparation; the community, he argues, has failed in its duty of protecting

one of its members, and it ought therefore to repair the injury which it has not known how to prevent. Crime being largely the result of social conditions, the damage it causes should be supported socially by the society which generated the individual. A more practical first step, however, seems to be a recognition that the criminal should be bound to repair the damage he had caused. This reparation should be on a very liberal scale, and with due regard to the anxiety or suffering inflicted on the injured party. When the offender is not in a position to pay money, there should, as Prins points out (and Sir Thomas More long before him), be suitable provision to enable him to give so many days of his labour to work out his penalty and reparation. In several European countries imprisonment for mendicity, vagabondage, and other minor offences, has been abolished, and compulsory work substituted: this is a reasonable change.

In the slightest cases of all, every end of social protection should be attained by a formal "caution." The publicity which this involves is itself, under modern conditions of life, a sufficient safeguard.

The special and very numerous class of habitual drunkards must be dealt with by special methods. The method, if method it can be called, of treating such cases by a few days' imprisonment is glaringly ineffective. It is a waste of public time and money, as well as a danger to the individual himself and to society. Habitual inebriates can only be dealt with fairly when they are recognised as diseased persons, to be treated on rational principles, and to be saved, whether they will or not, from doing injury to society and to themselves. It is incomprehensible that in so

drunken a country as England this question should not before now have had serious attention, instead of being left to voluntary agency. To leave habitual alcoholism and its results to voluntary agency is as reasonable as it would be to leave the care and control of the insane to voluntary agency. The case for the control and treatment of the inebriate is, indeed, considerably stronger than that for controlling the insane.[1]

To sum up briefly the points in the treatment of the criminal which have been reviewed in this chapter:—

Capital punishment is disappearing. There is, however, no reason to hasten unduly its complete extinction, because lifelong imprisonment, under existing conditions, is frequently less humane, and is not of greater value for purposes of social protection.

The prison needs to be made a far more active and thorough instrument of social reformation than it is at present. Great circumspection must be shown in selecting the individual whom it is desirable to send to prison, but when selected he must be retained until there is reasonable presumption that he will no longer be dangerous to society. In place of mere routine and surveillance, he must be subjected to intelligent and energetic treatment. While he should usually be guarded from contact with his fellow-prisoners, it is desirable, with due restrictions, to promote his intercourse with selected persons of the outside world. His conditional liberation should be delayed until he can be placed in some situation which will enable him

[1] Since this was written an important step has been taken in the direction indicated by the Inebriates' Act, which empowers the Courts to commit habitual drunkards convicted of a criminal offence to an Inebriates' Reformatory for a period not exceeding three years.

to earn his own living. The plan of fixing beforehand the period of the prisoner's detention appears to have nothing to recommend it, and should be entirely abolished.

In dealing with occasional criminals whom it is not necessary or desirable to put into prison, liability to imprisonment should be substituted. The system of recognisances and of fines to the community, together with reparation to the injured individual, should be developed and extended to all cases to which it may suitably be applied. When the offender is unable to pay a pecuniary fine, he should not be imprisoned, but compelled to give his work.

The class of habitual drunkards requires special and compulsory treatment in special asylums.

CHAPTER VII.

CONCLUSIONS.

WE have now seen, in its main outlines, the present condition of this question of the nature and treatment of the criminal. We have seen that criminality is a natural phenomenon, to be studied gravely and carefully according to natural methods; and that by natural and reasonable methods alone can the problem of its elimination be faced with any chance of success.

A simple and obvious conclusion it seems. Yet it is a conclusion not even yet generally accepted, and which is only beginning to find expression in our social life. It is still quite usual to find that crime is regarded as an abstract matter, not to be treated seriously unless the criminal himself is ignored. On the other hand, when the criminal comes in for discussion it is merely as a subject for sensational excitement, or unwholesome curiosity, as a creature to be vituperated or glorified without measure.

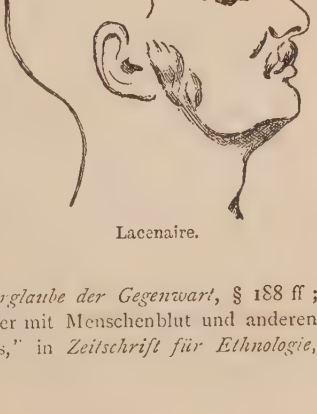
The criminal has always been the hero, almost the saint, of the uncultured. That attitude of unbounded reverence for the lunatic, as for an inspired being, and unquestioning submission to his wildest acts which to-day can scarcely be found in Europe outside Turkey, has by no means died out where the criminal is concerned, even in the most civilised countries. The same reverence or amazement that the educated feel

for the man of genius, the uneducated feel for the criminal.

The Romans gave the name of Hercules to great criminals after death, and dedicated a distinct cult to them. If we go back to a yet more primitive phase of life as preserved in folk-lore, and still to some extent perpetuated, we find that all that belongs to an executed criminal brings luck. A finger or other small bone kept in the purse will preserve it from ever being empty. It also keeps away vermin, and protects a thief from his victim. Buried beneath the threshold it brings perpetual blessing, and to have a thief's thumb among his goods is an excellent thing for a shopkeeper. The people came for the Marquise de Brinvilliers's bones the day after her execution; they regarded her as a kind of saint, says Mme. de Sevigné. When at Breslau the old Rabenstein (the gallows) was broken down, a great trade was done by the workmen in the bones found beneath. Precious above all is the blood of a criminal; even a few drops on a rag are most costly. Such blood, when drunk, heals fevers and other diseases, just as the blood of gladiators was among the old Romans a cure for epilepsy. It must be drunk fresh, if possible warm. Bread dipped in this blood and eaten is good against the gout. The halter with which a criminal has been hanged has much power and brings luck. When it is struck three times on the threshold, the house is preserved from lightning. The same put into a beer cask with a criminal's thumb has an excellent influence on the beer. In Franconia the fat of criminals is sometimes inquired for at the druggist's, and a substance, so called, is handed over. When in Prussia executions took place in public, there was always

friction between the armed guards and the crowd of women, who at all costs pressed forward with spoons, cups, and dishes to catch some of the blood. At the execution of a murderer at Hanau in 1861, several men leapt on to the scaffold and drank the steaming blood. At the execution of two murderers in Berlin in 1864, the executioner's assistants dipped numbers of white handkerchiefs in the blood, and received two thalers for each. The bystanders even call upon the criminal for his most powerful intercession in Heaven. According to Pitré, there is still in Sicily a fetichistic adoration for the souls of the beheaded. The criminal is a person endowed with divine force, to be treated with awe and reverence, and whose blood and flesh have something of the old sacramental power of infusing the divine one's energy into the body of him who eats of it.[1]

In a less crude form, and among persons who lay claim to a somewhat higher degree of culture, the same veneration has long existed and still exists. Appert, writing immediately after the execution of Lacenaire at Paris, says :—"His portraits were displayed on quays and boulevards. From all sides exquisite meats and delicate wines reached his cell,



Lacenaire.

[1] Wuttke, *Der deutsche Volksaberglaube der Gegenwart*, § 188 ff ; and Ulrich Jahn, "Ueber den Zauber mit Menschenblut und anderen Theilen des Menschlichen Körpers," in *Zeitschrift für Ethnologie*, 1888, Heft ii., p. 130.

while, two steps away, miserable creatures driven to crime by hunger ate the black and hard bread of the gaol. Every day some man of letters visited him, carefully noting his sarcasms, his phrases composed in drunkenness or studiously calculated for effect; women, young, beautiful, and elegantly attired, solicited the honour of being presented to him, and were in despair at his refusal; a noble countess, the mother of a family, addressed verses to him, and drew upon herself a reply at which no doubt she blushed. He himself mocked at the infatuation he excited. 'They come to me,' he said, 'as they would ask a ticket from M. Geoffroy Saint-Hilaire to see the elephants' den.'" When Cartouche was in prison he was visited by many distinguished ladies and overwhelmed by their attentions. The Abbé Crozes tells us that Troppmann, the brutal murderer, when in prison received a great number of letters from ladies, full of anxiety in regard to his spiritual welfare, and asking for the most minute details concerning him. Some of these letters were reproduced in the *Figaro*. I have not seen them, but Dr. Corre says: "Their perusal stupefies one; they witness, among women who have been well brought up, to an ill-defined obsession, of the nature of which they are even themselves unaware, and which perhaps had its origin in an unavowable sentiment of love, born of mystery and the unknown." It is not only women in whom this ancient worship of the criminal still survives. In a recent newspaper I read concerning a murderer: "One of the saddest sights we have ever witnessed was the prison van going along Waterloo Place at midnight under the beautiful moonlight with a great crowd running after it cheering loudly the poor wretch within—cheering that never

ceased till the van disappeared inside the prison gate. The crowd was composed chiefly of young men, many of them well dressed, and not a few accompanied by their sweethearts. The scene suggested a convoy by the students of a favourite singer rather than that by the youth of even the lowest class in Edinburgh of a brutal murderer of a harmless English gentleman." And, again, in another newspaper: "On Monday many visitors were in Seaham for Bank Holiday and the flower show. Those who visited the cavern where the girl is supposed to have been murdered were ten times more numerous than those who went to the flower show. Nearly all were strangers to the town, and had journeyed thither for the express purpose of viewing the scene of the tragedy. Many took a memento of some sort, either a chipping of rock, a pebble, or a stone from the cave." It is not surprising that the proprietors of Madame Tussaud's Exhibition have sometimes paid over £500 for the relics of a single murderer.

It is well known that when a woman has murdered her husband it is by no means unusual for a number of letters to be sent to her, before the issue of the trial is known, containing offers of marriage.

It is not possible to regard the criminal as a hero or a saint after we have once seriously begun to study his nature. He is simply a feeble or distorted person to whom it has chanced—most often, perhaps, from lack of human help—to fall out of the social ranks. It is as unreasonable and as inhuman for a whole nation to become excited over him, and to crave for the minutest details concerning him, as we now deem it to expose the miseries of any other abnormal person—man of genius or idiot, leper or lunatic—to the general and unmerciful gaze. Not that any of

these may not be studied; they must be studied, but not delivered over to unrestrained curiosities, sentimentalities, cruelties. No external force can change this attitude; no censorship of newspapers will avail. Only the slow influences of education, and a rational knowledge of what criminality means, can effect a permanent change. But until this has been effected, one of the most fertile sources of crime, what has been well called the contagion of crime, will remain, as it is to-day, a danger in all civilised countries, a danger which is suggesting heroic remedies. The minute details of every horrible crime are to-day known at once by every child in remotest villages. The recital of it stirs up all the morbid sedimentary instincts in weak and ill-balanced natures; and whenever a large community grows excited over a crime, that community becomes directly responsible for a whole crop of crimes, more especially among young persons and children.[1]

We have, then, to reform our emotional attitude towards the criminal. On the other hand, we have yet something to do in reforming our rational attitude towards crime. "There are no crimes; there are only criminals." That saying of Lacassagne's indicates the direction in which practical changes must develop. "All progress in penal jurisprudence," as Salillas well says, "lies in giving consideration to the man." The question of legal methods, criteria, and tribunals is one of considerable importance from this point of view, and it is one to which sufficient attention has

[1] The popular excitement over "Jack the Ripper," and the Crown Prince Rudolph of Austria, may be specially mentioned as having produced a large number of crimes. They are, however, by no means isolated examples.

not yet been given. It is unfortunate that, in this country at all events, there seems to be a tendency to antagonism or divergence between, on the one hand, the medical and scientific side and, on the other, the judicial and executive side in the treatment of the criminal.[1] Whether this divergence is due chiefly to the lawyers or to the doctors is not quite clear, but it is essential that it should come to an end. Both lawyers and doctors exist for the sake of society, and are the servants of society; society, in its own interests, must see to it that they agree quickly. But so long as society allows antiquated laws and methods to prevail, there must be disagreement—disagreement which is disastrous to social interests. We need, before everything else, an enlightened public opinion.

A question which is constantly arising, and constantly leading to direct divergence between the exponents of science and the exponents of law, is the question of insanity. Under existing conditions it is frequently a matter of some moment whether a criminal is insane or not. Now whether a man is insane or not is largely a matter of definition. Even with the best definition we cannot always be certain whether a given person comes within the definition, but it is still possible to have a bad definition and a good definition. The definition relied on in England is a mere *obiter dictum* of the judges, furnished at the request of the House of Lords, as an outcome of the MacNaghten case, many

[1] It does not appear to be quite the same abroad. Some of those who are most convinced in their efforts to magnify the scientific and medico-legal elements in scientific procedure are lawyers; while medical men show no wish to encroach unduly on the legal aspects. This has come out very clearly at the International Congresses of Criminal Anthropology.

years ago: "That to establish a defence on the ground of insanity, it must be clearly proved that at the time of committing the act the accused was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know he was doing what was wrong." That this metaphysical and unpractical test will not do has been clearly recognised by some of the most eminent lawyers, who are quite in agreement with medical men. "The test of insanity which commends itself to medical men," says Sir J. Crichton-Browne, "was never more clearly and succinctly expressed than by Lord Bramwell when in the Dove case he asked, 'Could he help it?' Could he help it? That is the real practical question at issue in any case in which the defence of insanity is set up."[1] It should be added that Lord Bramwell has not always been able to maintain this position. "It ought to be the law of England," said Mr. Justice Stephen, a very great authority, "that no act is a crime if the person who does it is at the time when it is done prevented by defective mental power, or by any disease affecting his mind, from controlling his conduct, unless the absence of the power of self-control has been produced by his own default." A reasonable doctrine to lay down, no doubt, and one which medical men generally would accept; but one asks oneself at once: How many persons guilty of serious crimes—the only class in regard to whom the question is of practical importance—are to be counted sane?

The point on which we must fix our attention, however, is that it should make so much difference

[1] "Responsibility and Disease," *Lancet*, 28th July 1888.

whether a criminal is insane or not. Our law is still in so semi-barbaric a condition that the grave interests of society and of the individual are made to hinge on a problem which must often be insoluble. Practically it cannot make the slightest difference whether the criminal is sane or insane. Sane or insane, he is still noxious to society, and society must be protected from him. Sane or insane, it is still our duty and our interest to treat him humanely, and to use all means in our power to render him capable of living a social life. Under any system, at once fairly humane and fairly rational, the question of insanity, while still of interest, can make little practical difference, either to society or to the criminal. It is unreasonable and anti-social to speak of insanity as a "defence." It is an explanation, but, from the social point of view, it is not a defence. Suppose we accept the definition of insanity which, as we have seen, is now widely accepted by medical men and favoured by many eminent lawyers, that insanity is a loss of self-control, the giving way to an irresistible impulse. It cannot be unknown to any one that self-control may be educated, that it may be weakened or strengthened by the circumstances of life. If we define insanity as a loss of self-control and accept that as a "defence," we are directly encouraging every form of vice and crime, because we are removing the strongest influence in the formation of self-control. When a "defence" of kleptomania was brought before an English judge in a case of theft he is said to have observed: "Yes, that is what I am sent here to cure." We need not hesitate to accept this conception of the function of the court, provided always that the treatment is scientific, effectual, and humane.

The fact that to-day it is not so, and that lawyers and doctors are helpless to make it so, is a glaring proof of the necessity which exists for society, in its own interests and in those of its weaker members, to take intelligent cognisance of these matters, and to pave the way for reasonable action. In the first chapter of this book I noted, without calling any special attention to it, the curiously divergent way in which somewhat similar cases were treated. One girl was treated kindly and sent to a clergyman's house: she "recovered." Little Marie Schneider was sent to prison for eight years, the years during which she will develop into a woman. What will she be fit for when she comes out at the age of twenty? She may come out a human tigress, or merely the crushed and helpless product of prison routine. In either case what intelligent principle guided the society that condemned her to spend those eight years in prison? The lad who killed his little sister was sent to penal servitude for ten years. What will he be good for when he comes out? "In any case," as Dr. Savage remarks, "the boy is pretty certain to end his days either as a lunatic or a confirmed criminal, and I fancy the best course has been taken to make him the latter. So society will suffer the more, and the boy himself will be none the better."

These problems are unknown to the law, but they are beginning to stir among the community. A girl of twelve not long since murdered a child of four, as she herself subsequently confessed, in much the same manner as Marie Schneider murdered Margarete Dietrich. The jury acquitted her. They acted in defiance of the evidence and of the law. It is clear that what they said to themselves was this: The law

will send this girl to prison for some ten or fifteen years: we do not believe in the advantage of that, and we prefer to deliver her from the law altogether. They were, as the judge said, a very merciful jury. But it is not by shuffling evasions of law that civilisation progresses. We need just and reasonable laws, not merciful juries. It is not to the advantage of society that young murderesses should wander at large, though it may very possibly be better than throwing them into the prison as at present constituted. The "merciful" jury, as in the south of Italy, becomes the hysterical and too often venial jury. We cannot be too grateful for the courage and honesty with which, as a rule, English juries and judges fulfil their functions; it is to this adherence to law that many intelligent foreign observers attribute the fact that criminality in England is in some respects less serious than one might be led to expect. If, however, this attitude is to be maintained, and we are to avoid the dangers of lying and cowardly verdicts, we must see to it that our law keeps pace with our knowledge and with our methods of social progress.

The institution of the jury is well rooted in England, and on the whole very efficient. There is not likely to be any agitation for some time to come for its abolition, as there has been in Italy and France and Switzerland. But there is at all events one modification in our criminal courts which is urgently required. It is entirely opposed to the interests of justice, and therefore of society, that the scientific conclusions in a case should be thrust into a partisan position. Experts will often differ as lawyers often differ, but the lawyer is not more competent to decide on the science of the expert than the expert is

competent to decide on the law of the lawyer. It is not for the interests of justice that one expert, representing perhaps only his own opinion, should weigh against another representing perhaps the general body of scientific opinion on that subject. It is not calculated for the ends of justice that the judge, however quick and intelligent, should have to pronounce on matters concerning which he can only speak as a layman, and necessarily falls into frequent errors of judgment. Special points involving special knowledge or skill must be submitted to a commission of experts, and the verdicts of the commission on these special points must be accepted by the court, though subject to an appeal to a supreme medico-legal tribunal. Some such method as this is now being widely demanded by intelligent opinion in the interests of justice. At the International Congress on Forensic Medicine, held in Paris in 1889, this tendency came out very clearly, and was formulated in the following proposition which the Congress adopted:—"To guarantee the interests of society and of the accused in all medico-legal investigations, at least two experts shall be employed. These shall be appointed by the judge." It is to be hoped, in the interests of justice, that the pressure of public opinion will hasten the adoption of this reasonable and moderate reform in criminal procedure.

Our courts of justice are still pervaded by the barbaric notion of the duel. We arrange a brilliant tournament, and are interested not so much in the investigation of truth as in the question of who will "win." We cannot hope for any immediate radical change in this method, but it is our duty to do all that we can to strengthen those elements in our

courts which are concerned, not with the gaining of a cause, but with the investigation of truth. This and all other reforms in our methods of dealing with the criminal, as I have already pointed out and would again insist, cannot be attained by a mere administrative *fiat;* nor is it desirable that they should be. Before any reform can be safely embodied in the law it must first be embodied in the popular consciousness. We need here, as in so many other fields of our social life, a strong body of intelligent and educated opinion. This must accompany that revival, under the inspiration of the methods of natural science, of that science of jurisprudence which is at present the most stationary and scholastic of all the sciences.

A natura hominis discenda est natura juris, said Cicero, the representative of a race which has always possessed, and still retains, an instinct for jurisprudence; the nature of law must be founded on a knowledge of the nature of man. A noteworthy tendency has been shown by lawyers of recent years in many parts of Europe to gain a practical acquaintance with criminals on the scientific side. It seems, however, on the whole, that law must necessarily rely on medicine for definite knowledge concerning criminality, and since we are certainly approaching a time when such knowledge will be of much greater importance than it is now in medicine, and of much less importance in law, this is as it should be. It becomes very necessary, therefore, that every facility should be given for the study of criminals and for the encouragement of scientific research in prisons. Unfortunately Great Britain still lags behind most other countries in this matter, and so far from every encouragement being afforded for scientific research

in prisons, actual obstacles are placed in the way of such research. It appears to be true that the official regulations even prevent the post-mortem examination of executed criminals—a very important matter—and that so much as a cast of the head must not be taken.[1]

While medicine will thus find sufficient occupation in preparing itself for "the task to which the medical profession will more and more be called in criminal administration,"[2] law will have ample exercise for its ingenuity in bringing its conception of "responsibility" into line with modern conceptions. There has been a regrettable tendency on the part of the medical profession to accept the conception of responsibility and to endeavour to fit it into harmony with the medical facts. Such an attempt is foredoomed to failure, and can only lead to endless futilities and absurdities. The idea of responsibility is an antique metaphysico-juridical conception which has done good service in its time, but it belongs to the lawyer's province, not the doctor's; it is the lawyer's business to bring it into line with the facts, and doctors have been misguided, though with the best and most humane of motives, in endeavouring to bring it into harmony with the data of their own science.

It may not be out of place to refer briefly to one or two recent studies on the evolution of the idea of responsibility. Among others, Professor Hamon of Brussels has discussed at some length this question

[1] Edwin Goodall, "The Associated Study of Crime and Insanity," *Lancet*, 26th December 1895. See Appendix F.

[2] Dr. Austin Flint in an eloquent presidential address on "The Coming Rôle of the Medical Profession in the Scientific Treatment of Crime and Criminals," New York State Medical Association.

of responsibility.[1] Hamon starts with the statement that the biological root of the ideas of law and justice is to be found in the reflex instincts of defence. That is the immediate basis of the most primitive of laws, the *lex talionis*. To the reflex action of pure defence succeeds the reaction at a long interval. This delayed reaction, or vengeance, may co-exist with immediate reaction, but it appears at a much later date. Then responsibility is no longer regarded as individual; it becomes familial, communal, tribal. The law of retaliation is developed and codified, but, slowly though unceasingly, at the same time the idea of responsibility becomes restricted. At first inanimate things, then animals, finally corpses, were regarded as irresponsible. This evolution has only been completed lately; in the seventeenth century animals and corpses were still solemnly tried and executed. Thus while responsibility was being socially extended it was being individually restricted. It began to be held that to be really the author of an act the individual must be *compos mentis*. But no one had yet asserted that the insane were not *compos mentis*. Before 1789 insanity appears to have been practically unknown to French law; a seventeenth century rule prescribed that no one in a state of insensate fury should be punished, but this rule was of no effect. One eighteenth century magistrate, indeed, Serpillon, raised his voice against the custom and law, but jurists firmly resisted any meddling with solidly established traditions. Even the French Revolution failed to bring any recognition of insanity

[1] A. Hamon, "La Responsabilité," *Archives d'Anthropologie Criminelle*, November 1897; and see the same author's *Determinism and Responsibility*, 1899.

into legal codes; it was only through the influence exerted by Pinel, that, in a grudging and restricted manner, the irresponsibility of the insane began to be recognised. How much progress was left to make, Professor Hamon shows by bringing forward facts which have taken place down to the present, and by the quotation of the uncertain and conflicting opinions of authorities.

By the constant efforts of men of science the field of irresponsibility has thus constantly grown larger, and Hamon discusses various contemporary attempts to state the matter scientifically. Thus, dealing with M. Tarde, who admits all degrees between complete responsibility and absolute irresponsibility, he remarks that "responsibility is not a state of consciousness," and that while there can indeed be all degrees of consciousness, there cannot be all degrees of responsibility, responsibility being merely a human concept, "a purely social relationship without real existence." This confusion between responsibility and states of consciousness Hamon regards as very common, and as therefore very necessary to bear in mind.

It must further be remembered, Hamon points out, that the idea of responsibility was formulated by lawyers who accepted the doctrine of free will. Now at the present day the doctrine of free will has almost everywhere, among thinking persons, given place to the more scientific doctrine of determinism. Thus with the disappearance of the doctrine of free will the idea of responsibility is left with nothing to rest on. Responsibility, as Schopenhauer long since said, supposes that an individual could have acted differently from the way he actually did act.

Having thus cleared the ground, and shown that the various new attempts to find a metaphysical basis for responsibility have not succeeded, Hamon briefly and simply states the modern scientific doctrine. The individual and society feel the need to react against a nuisance by suppressing the criminal or preventing his acts. The only real responsibility

Deeming.

is *social* responsibility. So long as we realise that, we may, if we like, retain the old doctrine of a free will. "Society has the right to defend itself and to preserve itself. Man is responsible because he lives in society, and only because of that social existence." We are thus brought, Hamon points out, to the acceptance of the old English legal maxim that every one, whatever his state of consciousness, always

acts at his own risk and peril. The insane and abnormal are, *socially*, necessarily responsible.

Since the continued use of the words "responsibility" and "penality" thus leads to an apparent contradiction, it would be much better, the author concludes, if we finally abandoned them. Every individual who commits dissonant acts in the society he belongs to, necessarily provokes a reaction. We should replace the term "social responsibility" by "social reaction." Such social reaction manifests itself in preventive treatment, and in social hygiene and prophylaxis, applied not only to the agent, but to the causes which produced his acts.

This conclusion is precisely that of Professor Ferri, as stated in his great work on Criminal Sociology.[1] Ferri protests from first to last against the methods of the "classic school" by which crime is treated as an abstract entity and the criminal, with all his peculiarities, entirely ignored. In this matter what we call law or justice is simply a name for the inevitable "social reaction" against criminality. Society must see to it that this social reaction is reasonable and efficacious. We are helped to do so, Ferri believes, if we always translate, actually or mentally, our current terminology into terms of social reaction, and instead of speaking of crimes and punishments speak of offences and defences. He illustrates this point effectively by a reference to insanity. The social reaction involves an inevitable defence against the insane. But up to the end of the last century that reaction took the absurd form

[1] There is a much abridged English translation of this work, *Criminal Sociology*, Criminology Series; there is also a complete French translation, *La Sociologie Criminelle*.

of punishment and contempt. We still treat our criminals with punishment and contempt. And it has proved to be equally unreasonable, equally ineffective. The time is coming, has indeed actually come, to do for the criminal what Tuke, Pinel, and others did for the insane. Hence the immense importance of Lombroso's identification of "moral insanity" with "instinctive criminality." Madmen and criminals have been brought into line. They are both recognised as belonging to the same great and terrible family of abnormal, degenerate, anti-social persons. This point will remain unshaken whatever disputes may occur on matters of detail. Henceforth the wrangles of lawyers, founded on extinct metaphysical notions, have become mere child's play of no scientific importance. Practical importance, it is true, they still retain. It thus becomes the duty of the scientific alienist to set his house in order and to see to it that he does nothing to perpetuate these notions. "Every man is responsible for his actions because, and so long as, he lives in society." Responsibility means that a man suffers the consequences of his actions. The social reaction against anti-social actions is a primitive and inevitable fact of all social life. But it is in our power to shape this inevitable social reaction. We may ameliorate the conditions that produce anti-social action; we may treat the anti-social person in such a way that he may cease to be anti-social, and in the last resort we can place him where he is unable to gratify his anti-social instincts. To attain these ends society must work through the lawyer and the alienist, acting in conjunction. So far Ferri.

In the middle ages animals were regarded as

responsible, and were proceeded against legally. Burlesque as such proceedings may seem to us, there was yet a germ of rationality in this method of maintaining the conception of "responsibility." In 1454 it appears that the Bishop of Lausanne initiated legal proceedings against the leeches which infested the water at Berne. The affair came before the judges at Berne, the Bishop being properly represented. A leech was obtained and brought into the judges' presence, and all leeches, present and absent, were warned to abandon the spots they had had the temerity to occupy, three full days being allowed them to evacuate the district. Experts were appointed to determine how many ponds were necessary to all the leeches in the neighbourhood of Berne. There was, it will be seen, no call for the death of the guilty parties. In this, as in all similar processes, it was recognised that the criminals were entitled to the space necessary to live in peace. The leeches having been repeatedly cited, persisted in failing to appear, and were consequently declared contumacious. They were then treated in the same way as minors and idiots, and a guardian was appointed to watch over their interests and take means for their defence. The Bishop gained his cause, but the leeches having successfully resisted the decree of the court, the Bishop finally lost all patience and anathematised them.

This legal process may seem absurd enough. Yet if we consider the conception of responsibility involved as a convenient legal fiction, if we consider the tolerance and humanity displayed throughout (except in the Bishop's final act), the appeal to experts, the total elimination of the idea of punishment, the appointment of guardians to watch over the criminals'

interests, we have to admit that these fifteenth century judicial dealings with leeches—however ineffective when applied to that species—represent a legal and scientific ideal of "responsibility" which we, five hundred years later, have not yet attained in regard to the problems of human criminality.

These problems are every day becoming more pressing. The level of criminality, it is well known, is rising, and has been rising during the whole of the present century, throughout the civilised world. In France, in Germany, in Italy, in Belgium, in Spain, the United States, the tide of criminality is becoming higher steadily and rapidly. In France it has risen several hundred per cent.; so also for several kinds of serious crime in many parts of Germany; in Spain the number of persons sent to perpetual imprisonment nearly doubled between 1870 and 1883; in the United States the criminal population has increased during thirty years, relatively to the population, by one-third. There is, no doubt, room for fallacy in many of these statistics; various circumstances serve to modify such figures—a greater or less intolerance of crime, more or less success in capturing criminals, and variations in the methods of dealing with them. On the whole, however, there seems to be a general agreement that the increase is real.

Insular Great Britain alone appears to be relatively unsubmerged by the rising tide of criminality;[1] but

[1] It has been argued, especially by Mr. W. D. Morrison, that this phenomenon is only apparent, and that in reality during the last thirty years, for which we possess official returns, crime has not decreased in gravity, while it has steadily developed in magnitude. (See W. D. Morrison, "The Increase of Crime," *Nineteenth Century*, June, 1892, and "The Interpretation of Criminal Statistics," *Jour. Statistical Soc.*, March, 1897; also the same author's books on *Juvenile Offenders* and *The Causes of Crime.*)

even here there is a real increase, in proportion to the population, in the more serious kinds of crime. Crimes of passion are rarer among the Anglo-Saxon race in England, Scotland, and America than anywhere else; but crimes of interest are proportionately more common than elsewhere. The decrease is in minor offences, and is due in large measure, no doubt, to reasons connected with the police. The anomaly of the comparative freedom of Great Britain from crime has been explained by foreign observers in several ways—by the former frequency of hanging and of transportation in England, thus eliminating a large number of criminals,[1] and by the firmness with which sentences are executed. It is probable that the great stream of emigration from Great Britain, carrying away much of the finest, but also much of the most turbulent elements (the two are often connected), has had a very marked influence in this respect.

Criminality, like insanity, waits upon civilisation. Among primitive races insanity is rare; criminality, in the true sense, is also rare. Conservatism and the rigid cult of custom form as distinct a barrier against crime as they do against progressive civilisation. As the methods of enlarging and multiplying the uses of our lives increase, so do the abuses of these methods. In an epoch of stress, and of much change and readjustment in the social surroundings and

[1] In the eighteenth century there were 170 different offences for which the penalty of death was decreed by statute law, and in the nineteenth century children were still hanged for very trivial offences, as persons yet living can remember. In New South Wales, Tasmania, and Western Australia, the colonies to which criminals were transported, there is more criminality than in the other Australian colonies. This hereditary criminality would have swelled the sum of British crime.

relations of individuals, ill-balanced natures become more frequent, and the anti-social and unlawful instincts are more often called out than in a stagnant society. The criminality of the Irish in England is far greater than that of the Irish at home, and it is a significant fact that while the Americans are more criminal than the English, the criminality of the English-born in the United States is more than double that of the native American whites. Like insanity,[1] criminality flourishes among migrants, and our civilisation is bringing us all more or less into the position of migrants.

But the problem of criminality is not thereby rendered hopeless. Rather it is shown to be largely a social fact, and social facts are precisely the order of facts most under our control. The problem of criminality is not an isolated one that can be dealt with by fixing our attention on that and that alone. It is a problem that on closer view is found to merge itself very largely into all those problems of our social life that are now pressing for solution, and in settling them we shall to a great extent settle it. The rising flood of criminality is not an argument for pessimism or despair. It is merely an additional spur to that great task of social organisation to which during the coming century we are called.

It is useless, or worse than useless, to occupy ourselves with methods for improving the treatment of criminals, so long as the conditions of life render the prison a welcome and desired shelter. So long as we

[1] Thus Dr. Carriel, in a recent Report of the Central Hospital for the Insane of the State of Illinois, shows that whereas only 19 per cent. of the population are foreigners, 41 per cent. of the insanity was among foreigners.

foster the growth of the reckless classes we foster the growth of criminality. So long as there are a large body of women in the East of London, and in other large centres, who are prepared to say: "It's Jack the Ripper or the bridge with me. What's the odds?"[1] there will be a still larger number of persons who will willingly accept the risks of prison. "What's the odds?" Liberty is dear to every man who is fed and clothed and housed, and he will not usually enter a career of crime unless he has carefully calculated the risks of losing his liberty and found them small; but food and shelter are even more precious than liberty, and these may be secured in a prison. As things are, the asylum and the workhouse, against which there is a deep prejudice, ingrained and irrational, would have a greater deterring influence than the prison. There are every morning at Paris 50,000 persons who do not know how they will eat or where they will sleep.[2] It is the same in every great city; for such the prison can be nothing but a home. It is well known that the lot of the convict, miserable as it is, with its dull routine and perpetual surveillance, is yet easier, less laborious, and far more healthy than that to which thousands of honest working men are condemned throughout Great Britain. The fate reserved for a French convict is one that might well be the reward of honesty. He is sent to New Caledonia, to marry, to settle, perhaps to become rich. "I do not know," an ex-deputy, sent out to report on the condition of the convicts, is said to have declared, "any struggling peasant or small proprietor in France who would not gladly exchange his lot for that

[1] *Pall Mall Gazette*, 4th Nov. 1889.
[2] Macé, *La Service de la Sûreté à Paris.*

of a convict of the first class in New Caledonia." "The working classes," as Professor Prins, one of the most able and thoughtful students of this subject, remarks, "badly housed, badly nourished, vegetate at the mercy of economic crises.[1] The worker is always on the borders of vagabondage; the vagabond is always on the borders of crime. The entire working classes are thus exposed in the first line, and whether it is a question of disease or of crime, it is they who succumb first."[2] Crime would be much commoner than it is if it were not for the communistic practice of mutual helpfulness which rules so largely among the poorest classes, and mitigates the stress of misery. All the more thoughtful students of the criminal, among whom Ferri in this respect stands first, have seen the direct bearing on criminality of what Colajanni has called Social Hygiene. We may neglect the problems of social organisation, but we do so at our peril.

It was at one time thought that the great panacea for the prevention of crime was education. Undoubtedly education has an important bearing on criminality, but we now know that the mere intellectual rudiments of education have very little influence indeed in preventing crime, though they may have a distinct influence in modifying its forms. Such education merely puts a weapon into the hands of the anti-social man. The only education that can avail to prevent crime in any substantial degree must be education in the true sense, an education that is as

[1] In Bavaria, for instance, it has been shown that every increase of six kreutzer in the price of corn meant one theft more per 100,000 inhabitants.

[2] *Criminalité et Repression*, p. 17.

much physical and moral as intellectual, an education that enables him who has it to play a fair part in social life. The proportion of criminals with some intellectual education is now becoming very large; the proportion of criminals who are acquainted with any trade still remains very small; the proportion of criminals engaged in their trade at the time of the crime is smaller still. We seem to be approaching a point at which it will become obvious that every citizen must be educated to perform some useful social function. In the interests of society he must be enabled to earn his living by that function. If we close the social ranks against him he will enter the anti-social ranks, and the more educated he is the more dangerous he will then become.

All education must include provision for the detection and special treatment of abnormal children. We cannot catch our criminals too young. Taverni has found that criminals in childhood are marked especially by their resistance to educative influences. It is our duty and our interest to detect such refractory and abnormal children at the earliest period, to examine them carefully, and to ensure that each shall have the treatment best adapted to him. It is much easier, and much cheaper, to do that, than to wait until he has brought ruin on himself and shame on his friends. This is beginning to be recognised and acted upon in those countries that are most alive to the meaning of education; in London, for instance,—largely owing to Dr Warner's important investigations as to the frequency of degenerative conditions among English school children,—many special schools have of recent years been established for defective children.

It is indispensable, if we are to deal effectually with the criminal, that we should be able to refer to the record of his physical, mental, and moral dispositions during childhood.

While a wise modification of the educative influences is here of the greatest importance, we must not forget that to a very large extent the child is moulded before birth. There is no invariable fatalism in the influences that work before birth, but it must always make a very great difference whether a man is well born and starts happily, or whether he is heavily handicapped at the very outset of the race of life; whether a man is born free from vices of nature, or buys freedom, if at all, at a great price. There is evidence to show how much of the welfare of the child depends on the general physical and emotional health of the parents, and that the child's fate may be determined by some physical weakness, some emotional trouble at conception or during pregnancy. No legislation can step in here, save at the most very indirectly. We can, however, quicken the social and individual conscience. The making of children is the highest of all human functions, and that which carries the most widespread and incalculable consequences. It is well to remember that every falling away from health, every new strain and stress, in man or woman, may lay an additional burden on a man or woman yet unborn, and perhaps wreck a life or a succession of lives.

This is not the place to develop these various consequences which flow from our consideration of the nature and treatment of the criminal. It seemed well, however, to indicate them, if only to show how large a problem is this of criminality. Perhaps every

social problem, when we begin to look into it and to turn it round and to analyse it, will be found not to stand alone, but to be made up of fibres that extend to every part of our social life.

PLATE XXI.

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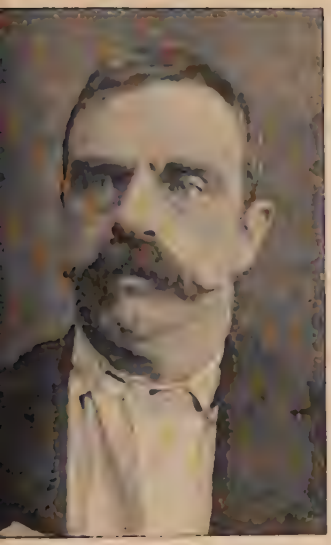

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PLATE XXII.

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PLATE XXIII.

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PLATE XXIV.

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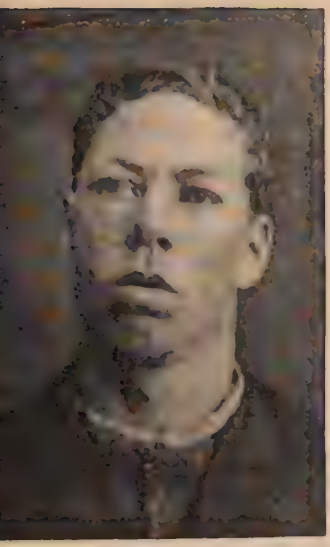

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PLATE XXV.

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PLATE XXVII.

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APPENDIX A.

Explanation of Plates.

FRONTISPIECE.

From a photograph of a case of well-marked moral imbecility or congenital criminality in the Elmira Reformatory. I am indebted to the kindness of Dr. Hamilton Wey for this photograph.

PLATE I.

Four youthful Russian minor criminals in the Asile Roukavichnikoff, Moscow. I obtained these photographs when visiting this admirable reformatory (conducted on industrial lines, somewhat resembling those of the Elmira Reformatory) in 1897 in company with Dr. E. S. Talbot, of Chicago. Thieving is the chief offence for which children and youths are sent to this institution.

PLATES II.-III.

Both these photographs show inmates of Elmira, and illustrate a method of mirror photography by which four views of the head are shown at once.

PLATE IV.

1. S. E., age 32. Life sentence. Third time a convict, and he says "all for the same man." His story is that he was flogged by the mate of his ship at Callao, that he jumped with the mate into the water, and after a chase on shore he stabbed him. He speaks of the mate as his lifelong enemy. Height, 6ft. o½in. without boots. Very powerful. A most determined villainous expression, but a massive forehead. Small compressed mouth. Attempted suicide at Millbank. Lost left arm at Woking from disease of elbow joint.

2. T. W., murderer.

3. G. W., gardener, age 86; seven years for uttering counterfeit coin. Three previous short sentences.

4. J. C., farm labourer, from Nottingham, age 62; ten years' sentence; petty thefts many times. Fourth time a convict.

5. A. J., from Paisley, age 50; cattle stealing; two years a soldier; "could not learn the bugle-calls or anything." Weak-minded; most of life in prison; three terms of penal servitude; eleven shorter sentences.

6. P. J., charcoal burner and collier, from Hereford, age 36; unlawfully and maliciously wounding; "low type of intellect." Very troublesome at Chatham, and among the weak-minded at Millbank. One previous sentence of penal servitude.

PLATE V.

1. T. C., chemist, from Portsea, age 21. Paid his addresses to girl whose mother objected; attempted to murder latter by administering prussic acid. Eight years' penal servitude. Valvular disease of heart after rheumatic fever.

2. G. H., farm labourer, from Leeds, age 50; "very low type;" twenty years for shooting wife.

3. J. H., soldier and navvy, from Durham, age 60; conspiring to murder.

4. J. C., from Liverpool, fifteen years for manslaughter.

5. E. L., dock labourer, from Bristol. Life sentence for murdering wife's paramour; genitals undeveloped; fatty tumours on scapula.

6. W. G. H., from Lincoln, age 12. Manslaughter; fifteen years. Second and third toes webbed.

PLATE VI.

1. R. W., dock labourer, from Paisley, age 18. Assault and robbery; ten years. Previous conviction for theft.

2. E. S. J., farm labourer, age 38; seven years for horse-stealing and other thefts; four previous convictions.

3. W. W., stone-masons' labourer, from Kirkdale, age 21; seven years and flogged for robbery with violence. Three previous shorter sentences.

4. G. W., puddler, from Salford, age 21; five years for wounding.

5. W. S., cook and steward, from Liverpool; ten years for larceny; five years previously for ditto.

6. W. C., age 25. Robbery with violence; ten years. Two shorter sentences.

PLATE VII.

1. J. J., hawker, from Hull; seven years for theft.

2. J. M., age 28; eight years a tailor, "rest of life a thief." Seven years for larceny, housebreaking, and receiving.

3. V. M., maker of pearl ornaments, from Birmingham, age 20. Thief chiefly; twelve times in prison.

4. J. W., collier, from Durham; seven years for felony; seven shorter sentences previously. Right eye destroyed.

5. W. T., farm labourer, from Hereford, age 21; ten years for receiving stolen goods.

6. N. K., collier, from Gloucester; seven years for receiving joint of a sheep, stolen and cut up by another; previous conviction for stealing fellow-labourer's dinner. "Low type; history told as if it was all a joke."

PLATE VIII.

1. J. H., from Chester, age 21; five years for burglary. In reformatory and seven times in prison. "Very prominent forehead; small eyes nearly concealed by upper lid."

2. J. C. E., age 25; seven years for housebreaking. "Low type."

3. S. P., age 35; weaver, from Wakefield; ten years' penal servitude for felony; five years previously.

4. J. P., costermonger; seven years; house and general thief.

5. D. M., a Greek, age 16; letter sorter; five years for stealing parcels. His father had been in penal servitude for stealing bonds.

6. H. S., letter-sorter, age 21. Five years for stealing a letter.

PLATE IX.

1. V. S., age 17; rape on girl of 13; "very low type."

2. W. W., age 45; coal miner and stoker, from Stafford; rape on child of 10. "Strong, villainous expression."

3. H. O., groom and jockey, from Leeds, age 57. Bestiality; fifteen years' penal servitude; conspiracy by servant girl, he says. Threatened to destroy himself. "Eyes very close to the nose; small head; low type."

4. W. M., age 32, from Manchester; nine years a soldier, farm labourer before and since; ten years for crime *contra naturam.*

5. T. R., age 16; farm labourer, from Worcester; ten years for rape; "monkey face."

6. W. B., age 23, from Manchester; height, 5ft. $0\frac{1}{2}$in.; seven years for arson; intellect feeble.

PLATE X.

A case of gynecomasty (Elmira). This, with Plates XIV. and XVI. to XIX., are from photographs furnished by Dr. Wey.

PLATE XI.

Relation of the age of Fathers in normal subjects, criminals, and the insane (adapted from Marro).

	Normal.	Criminals.	Murderers.	Sexual Offenders.	Thieves.	Sharpers.	Insane.
	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.
Period of immaturity..	8.8	10.9	2.9	2.7	15.5	2.8	17.0
,, maturity	66.1	56.7	44.1	66.6	57.2	60.0	47.0
,, decadence ...	24.9	32.2	52.9	30.5	27.1	37.1	36.0

PLATE XII.

The eight heads in this and the following Plate have been chosen, intentionally, almost at random, in order to show the average types of criminal with whom the London police at Scotland Yard have to deal.

1. F. C., age 61. A well-known London burglar; tattooed.

2. C. D., age 31. Housebreaker. "A dangerous character." Many scars on head, body, and limbs.

3. H. A. G., age 36. "A very clever swindler," "of gentlemanly appearance, and good address." Speaks French and German.

4. W. A., age 42. "A desperate burglar, and will assuredly use firearms." A smith, native of Middlesex. Several scars.

PLATE XIII.

1. J. C., age 32. Shoemaker by trade, native of London. "A daring burglar; will probably use firearms." Tattooed.

2. M. A. L., age 28. Factory hand, born at Sheffield. "A dangerous thief," who has had eight years' penal servitude for assault and robbery.

3. W. K., age 40. "A dangerous thief, with several convictions."

4. R. W., age 23. Born at Hartlepool. "A dangerous man." Larceny.

PLATE XIV.

A moral imbecile (Elmira).

PLATE XV.

Tattooed criminal from Lombroso's *Uomo Delinquente*. A French sailor, a deserter, previously condemned for an unknown

crime. The various inscriptions and designs bear witness to his vicious and criminal tastes. The heart's ease, for instance, is common among pæderasts. –

PLATE XVI.

Portrait of Joe Bragg (author of *Confessions of a Thief*), kindly furnished by Mr. Ardill, of Sydney, N.S.W.

PLATES XVII.-XIX.

Three groups of criminals at Elmira.

PLATE XX.

This illustrates the value of the Bertillon system. The two lower photographs represent a pickpocket arrested at the Derby race-course at Hamburg in 1895. She called herself Maria Barachina, born in 1869 at Barcelona. Her measurements were sent to the Paris depôt, and were found to be those of Josefa Birost, born in 1868 at Barcelona, arrested for theft at the Printemps in 1892. It is interesting to note the change in physiognomy which has taken place during these three years.

PLATES XXI.-XXVII.

These plates present the photographs of 17 criminals from New South Wales, as kindly furnished by Mr. Marshall Lyle, of Melbourne. (The portrait of Deeming on p. 365 was also sent by Mr. Lyle, who considers it the most characteristic of that noted criminal; a cast of Deeming's head, I may add, is in the College of Surgeons, London.) No. 1-2 is Butler (otherwise called Harwood or Ashe), whose unaccountable crimes led to his execution in 1897. Four years previously, on arriving in the colony, he had been imprisoned for a month for using threatening language. He used to advertise for a mate to go prospecting, and when the mate was digging he would shoot him, then bury him in the grave the victim had himself dug. He murdered at least three men in this way, probably more. It was never shown that he murdered them for their money, for he chose poor mates as readily as richer ones. He was a seaman, born in England in 1861; 5ft. 8¾in. in height, weight 168 lbs.; a Wesleyan; able to read and write; black hair, brown eyes, fingers long and tapering, arm tattooed. There were scars on bridge of nose, under right eye, and on right side of mouth, and various scars of boils on body.

3. Age 19, born in Sydney, a bookmaker, Roman Catholic;

5ft. 4in. in height, black hair and blue eyes; was executed for rape. He had previously been twice imprisoned for a few days for being riotous and throwing stones.

4. Age 17, a woolworker, born in Sydney; 5ft. 6½in. in height, brown hair and grey eyes, Roman Catholic; was also executed for rape. There was no previous conviction.

5-6. Age 31, a Roman Catholic labourer, born in Sydney; dark brown hair and blue eyes, tattooed; has been convicted many times of stealing, vagrancy, receiving stolen goods, etc., and once of manslaughter.

7-8. Age 23, a dealer, Roman Catholic, born in Sydney; height 5ft. 10in., black hair, brown eyes; has lost right leg; has been twice imprisoned for receiving stolen property.

9. Age 26, born in Sydney, butcher, Church of England; dark brown hair, brown eyes, large scars on neck; has been convicted nine times since he was 15 years of age for stealing, assault, indecent behaviour, etc.

10. Age 26, born in Sydney, stone-cutter, Presbyterian, brown hair and eyes, tattooed; he has been convicted 15 times, at first only for drunkenness, then for drunkenness with assault or obscene language, latterly for stealing with assault.

11. Age 47, born in Melbourne, a labourer, Presbyterian; brown hair and eyes, height 5ft. 5½in., right little finger contracted; has been convicted not less than 49 times during the last 20 years, and spends most of his time in prison; his criminal career, though spread over a longer time, closely resembles that of No. 10.

12. Age 47, born at Bathurst, N.S.W., Roman Catholic; height 5ft. 4in., brown hair turning grey, blue eyes. A prostitute, and criminal offences resembling those of the two previous cases, except that stealing plays a very small part, and that there is no progression in her offences; ever since the age of 23 she has constantly been in trouble for drunk and disorderly conduct, obscene language, exposing person, assault, destruction of property, etc. She has been convicted as many as 85 times.

13-14. Age 19, Roman Catholic; fair hair and blue eyes, long thin fingers, tattooed. Convicted 8 times for stealing, riotous behaviour, wounding, etc.

15-16. Age 40, born in Sydney, a barber, Roman Catholic; brown hair and blue eyes, right little finger broken, left ear split, scars over both eyes. Convicted 22 times, usually for riotous conduct, obscene language, indecent behaviour, finally for attempt at housebreaking.

17-18. Age 24, born at Port Adelaide, a plasterer, Church of England, sandy hair and brown eyes, tattooed; also numerous scars. Convicted 26 times since age of 15, at first chiefly for receiving stolen property, for stealing, and for indecency, latterly chiefly for drunkenness and assault.

19-20. Age 32, barber, born in Sydney, Roman Catholic; brown hair and eyes, elaborately tattooed with female figures, etc.; 35 convictions since age of 15; criminal career resembles that of two previous cases, begins with obscene language, and ends up to date with attempt at housebreaking.

21-22. Age 29, born in Sydney, a dealer, Church of England; sandy hair and blue eyes, face scarred; 34 convictions, beginning with assault at the age of 11; same class as previous cases, the offence tending to become more serious and the sentence longer.

23-24. Age 28, born in Bathurst, married, prostitute, Roman Catholic, brown hair and blue eyes, tattooed; convicted 13 times since age of 17; the first time offence was simply that of being a "common prostitute"; the second time for "standing on footway"; a little later it was for "riotous behaviour"; later still, for "indecent language"; finally, as "accessory after the fact to stealing from the person."

25-26. Age stated to be 38, born in Sydney, a servant, Church of England, brown hair and eyes, tattooed; 15 convictions, the first for vagrancy, then usually for stealing, sometimes for being drunk and disorderly, or for obscene language.

27-28. Age 26, born in Sydney, labourer, Roman Catholic, brown hair and eyes, tattooed; 6 convictions, the first for assault, then usually for trivial offences, but the last a serious assault leading to a sentence of 13 years.

APPENDIX B.

Criminality in Children.

The study of criminality in children, especially its psychological study, is one of very great importance, not only with reference to education but to social hygiene, and it throws much light on the nature of the criminal generally. Most children have some criminal impulses, and most people can recall from their own childhood acts which, however trivial, were still criminal in nature. It appears that Knecht, Kirn, and Féré have denied this tendency, but, as Näcke remarks, there can be little doubt that such a germinal tendency to "moral insanity" and criminality exists in children, although we need by no means assert that it is due to atavism. Sometimes, it is probable, this criminality is merely an innocent and mistaken imitation of elders; thus the case is recorded of a little Russian girl of five, a peasant's daughter, who having one day looked on

with great interest while her father was engaged in killing a sheep, said to her younger brother a few days later, when the parents were away, "Let us play at killing sheep," and making him lie on the floor proceeded to cut his throat from ear to ear, so that he died. We cannot say, in the absence of more definite information, that this was a genuinely criminal impulse. Such impulses appear more clearly at a somewhat later age. Some years ago there was much discussion in the newspapers regarding "penny-dreadfuls," which, it was assumed, were responsible for the existence of criminal instincts at an early age. This is certainly a mistake, and I may here quote the published remarks of one teacher:—"I remember," he writes, "the feelings of my own youth, perhaps clearer than most people, and I know that between the ages of eleven and fifteen I was totally devoid of affection, passionately revengeful, and capable of acts that I should recoil from now with horror. I was, indeed, at the moral level of a Red Indian, and—from observations I have since made as a teacher—I am inclined to suppose that most boys of that age are. Among other little fantasies, I broke a cat's leg with a cricket-bat, and afterwards battered its head in; and, when an apprentice in a draper's shop, I turned on all the gas in the warehouse with the idea of blowing up the establishment, by way of revenge for an unfair fine of sixpence. I have been, too, within an ace of suicide out of sheer idleness and vanity. I do not think I had any genuine affection and any moral sense until I was adolescent, and I doubt if any healthy boys have. I never read any 'penny-dreadfuls' at all." It is probable that most (though not all) boys have been guilty of trifling offences, and while the criminal disposition of girls is differently manifested (chiefly as greediness), it is noteworthy that serious crimes by young girls are perhaps even more frequent than by young boys. The study of youthful criminality, both in its occasional serious forms and in what may be called its normal forms, still requires further investigation, for it seems to reveal the anti-social impulses in their simplest shape. Such excellent books as Morrison's *Juvenile Offenders* and Ferriani's *Delinquenti Minorenni* are mainly on a statistical basis, and scarcely deal with the psychological basis of such criminality. Dr. Arthur MacDonald's *Criminel Type dans Quelques Formes Graves de la Criminalité* (1894) is, however, a valuable and detailed study of several young American criminals.

It may be worth while to summarise briefly the histories of two child criminals which have been published in full. The first is the story of a child, who might also be described as a moral idiot (given by Bérard at length, with a portrait, *Archives d'Anthropologie Criminelle*, September, 1893). Blanche Deschamps, a girl of thirteen, belonging to Grenoble, murdered a

companion of her own age named Philomène Lambert. She was illegitimate, and her father is unknown; she worked in a spinning-mill. In order to obtain money for sugar and coffee—for she was a greedy child—Blanche robbed Philomène. She was discovered and forgiven. But she then planned a more terrible crime. Having led Philomène away to a neighbouring village, she made her drunk with coffee and brandy, which she paid for herself, though very avaricious, and then took her purse, which, however, the other child recovered, threatening to accuse the thief. Shortly before the paths of the two children diverged, Blanche again took the purse, and then pushed her companion from a bridge into a shallow stream in which some time before a little girl had been found violated and murdered. Philomène was not killed, and Blanche climbed down into the stream and held her under water until she was drowned, after giving several blows with a stone to ensure death. She then went to the victim's parents to avoid suspicion, explaining that she had left Philomène in the street rather tipsy, and had herself fallen into a canal. She behaved quite naturally, and the Lamberts took care of her and dried her clothes. She then went to her mother, and gave her all the money she had stolen as part of her own wages. (No feeling of remorse is involved in this action; it simply seems that the original impulse of greediness is exhausted by the excitement of the deed.) She was subsequently arrested, and after persistent denials at last confessed. During the trial she was perfectly calm and self-possessed; it was shown that she was on good terms with Philomène, and that the only motive was greediness. She never exhibited the slightest remorse, and was only moved when sentenced to prison for ten years. When in confinement she wrote home to her mother to "take good care of the house, for some day it will belong to me." This child is a typical example of that group of youthful instinctive criminals, usually girls, who commit serious offences under the spur of the impulse of gluttony which is normally so imperious in a child's life. (The history of Marie Schneider, for example, already narrated, p. 8, corresponds precisely at nearly every point with the history of this child.)

The next case I will summarise deals with a crime—this time not motived by greediness but by impulsive anger—which took place at Marseilles almost beneath the eyes of one of the medical reporters (Fallot and Robiolis, "Un Cas de Criminalité remarquablement précoce," *Arch. d'Anthropologie Criminelle*, 15th July 1896).

The parents are Italians of the artisan class, having three children, of whom the second is a girl, two years and a half old. One morning the mother went to work leaving this child in the charge of the elder sister (seven years old), who on getting out

of bed saw that the younger one had urinated on the floor; she scolded her, threatened to tell their mother, and stooped down to dry the floor. Hereupon the younger child took a long knife, something like a butcher's, which was within her reach on the table, and struck her sister with all her strength on the right side of the chest, penetrating chemise, skin, and subjacent tissues to a rib.

The infantile culprit was carefully examined and numerous measurements (which need not be reproduced) are given. There is no asymmetry of face or head, but the forehead is very prominent and the frontal bones are notably protuberant. The ears are also large. Otherwise the child is of normal conformation throughout, and well developed for her age. She was born at full term, apparently in a state of asphyxia, for it was some little time before she could be brought to life. No convulsions. There is reason to believe that bad sexual habits exist. She is subject to attacks of rage, but she never sheds tears. (Her mother, it may be said, has a violent temper, but the father is remarkably calm; the heredity appears to be healthy.) She manifested no emotion or regret after striking her sister. She is extremely obstinate, and her face is grave and sombre, unlike a child's. The two portraits given confirm these remarks. It would be interesting to trace the subsequent history of this child.

An important and carefully recorded case of murder by a boy of fifteen has been described by Dr. Martin Barr, chief physician of the Pennsylvania Training School for Feeble-Minded Children ("Samuel Henderson, Murderer," *Alienist and Neurologist*, January 1900). In this case the crime was "absolutely motiveless, beyond the momentary impulse of a nerve storm." Dr. Barr shows that there was good reason to believe that this boy was a moral imbecile, but since the indications of his abnormality were not sufficiently gross to appeal to judge and jury, or even to many experts in insanity not familiar with imbecility, the boy was convicted of murder. Dr. Barr points out, with unanswerable force, that a child who was on careful examination demonstrably abnormal, has in the first place been prepared and trained for the highways of vice by being educated with normal children, and when this course leads to its natural result in crime the boy is sent to prison for a term of years in order that his training in vice may be completed and that he may emerge as an accomplished engine for working social mischief,

Valuable material for the psychological study of criminal impulses in both normal and abnormal children may be found in many volumes of the *Pedagogical Seminary*, edited by Professor G. Stanley Hall; I may refer more especially to Earl Barnes, "Punishment as seen by Children," vol. iii., 1895, No. 2; E. W. Bohannon, "A Study of Peculiar and Exceptional

Children," vol. iv., 1896, No. 1; G. E. Dawson, "A Study in Youthful Degeneracy," vol. iv., 1896, No. 2; while Lancaster records cases of criminal thoughts and obsessions (9 cases in males, 17 cases in females) occurring about puberty in normal individuals, vol. v., 1897, No. 1, p. 94. (See also Josiah Flynt, "The Children of the Road," in *Tramping with Tramps*, and Anfosso, "L'Onesta nei Bambini," *Arch. di Psichiatria*, 1897, Fasc. v.-vi.; also De Silvestri, *Arch. di Psichiatria*, 1895, Fasc. iii.) Compayré in France, Stanley Hall in America, and Sully in England, have studied lying in children and shown its special peculiarities.

A full bibliography of criminality in childhood and allied topics will be found in Arthur MacDonald's *Abnormal Man*, 1893, and these subjects are also covered in the bibliography appended to the same author's *Experimental Study of Children*, 1899.

APPENDIX C.

Elmira.

In the Report for 1885 the Secretary of Schools writes:—

"Like Practical Morality, English Literature was at the beginning voted a nuisance by the selected members and greeted by them as a fresh infliction for the purpose of making more difficult the earning of marks. Distaste was varied by positive anger; here and there a man suffered his first bewilderment to pass into sullen unwillingness to make an attempt to understand the new study. Several on receiving a play or an essay, opened the book and closed it, doggedly declaring they had not the remotest idea of what was expected of them. Encouraging advice was given in every case of this sort that came to light, and when the pressure of the approaching examination began to act, nearly every man, willing or unwilling, attacked his author and his outlines. This first examination was sufficiently creditable and the historical part at least was well done; but expected signs were not wanting of mental confusion, of indifference, of ineffectual groping after an author's very palpable meaning, signs which revealed a likely material for mental discipline of the most valuable kind. The only means of removing these difficulties seemed to lie in repeated doses of the same medicine, a conclusion soon warranted by experience. Whatever could be was now done in the way of artificial illumination, and when it appeared that examinations

could be and actually were passed by many men in the new subject, confidence began to dawn, and the authors were taken up for the next test with less ugliness and far more of tolerance. In a little while the class gathered momentum and became thoroughly a fact. The change was accompanied by phenomena which are unique from an educational and psychological point of view.

"Any one passing along our corridors and galleries might now have witnessed a curious spectacle—that of a student of literature reading by gaslight, not the accustomed novel or light history, but the *Prologue* of the Canterbury Tales, the tragedy of Hamlet, Emerson's *May-Day*, or the story of Evangeline; pondering over the weighted pages of Bacon, or keenly trying to read between the lines of Browning's *Paracelsus;* not rarely with a note-book at hand filled with private comments wrought out against the coming examination. At the examinations, be it remembered, the pupil was required to answer historical questions and, more important than this, to write out extemporaneously an essay or report dealing with some topic, more or less extensive, growing out of the text of his author—which topic was selected not by himself but by the Instructor on the day of the test. If one could realise the mental process of a 'tough' from the slums of the metropolis, who, after passing up from class to class of our school, is forced to apply his intellectual faculties for the first time to the careful reading of an essay of Macaulay or a poem of Goldsmith, to enter in short upon the *terra incognita* of good literature; and if one could then conceive of the state of this same 'tough' when, after six months of application with growing susceptibility, he reads up *for pure pleasure* the history of the Renaissance, searches the pages of Dante for illustrations of the text of Chaucer, ransacks our reference library for specimens of early English;—if one could do this he would comprehend in some measure what has been done by our class in English Literature. Our students, of course, were not wholly without intellectual culture at the start. A few possessed a large amount of it. All had been imbued with some sense of the excellence of culture by the labours of our lecturers in science, philosophy, and history. The discussions in the Practical Morality class had awakened our argumentative powers and developed a sharp relish for ethical questions. We had all had experience, too, in the reading of standard works of fiction and even of books of utility; but the formal study of an English, often of an old English, author, involving an examination, was something wholly new. A direct movement towards pure æsthetic culture was unprecedented for men who generally demanded that books should be amusing, should help to kill time in prison. The first effect was, as already remarked, discouraging. English

literature did not immediately 'take.' But necessity made it take, and the inevitable love of literature which quickly sprang up did the rest. The essays and poems were conned over and over, and minds heretofore innocent of culture became saturated with the drinkable gold of the classics. A change of feeling came over us; distaste passed into satisfaction as the intrinsic beauty of the masters leavened our minds; indifference gave way to zeal and the study became delightful. An interest feeble at first had grown rapidly. Among the early favourable indications were the requests for information as to the lives of authors and the eager reading of biographies and literary notices. Then arose the desire to read other works of a given author, or to be allowed to spend another month in more minute study of a masterpiece already absorbed in the rough. Notes poured steadily in upon me exhibiting in countless ways the growth of a sentiment which can be termed nothing else than enthusiasm. It was a true *naissance* or birth of letters. Like the scholars of the Revival period in England, our students, inspired by the simple love of learning, sought culture everywhere. Every available source of enlightenment, every volume of classic English in our reference library, was in its journey from hand to hand of our students a testimony to their enthusiasm. Books which had long remained unused suddenly became very popular, and the delight in reading expanded so as to include not merely literature but other lines as well—ethics, economics, sociology, history, the ancient classics, natural science. Thus on a very small scale, but none the less truly, our revival followed an instinctive development entirely similar to the great Renaissance. As we write the history is undiminished, but rather grows by its own great energy of motion. The new spirit penetrates the whole life of the institution. In their social intercourse our inmates make regular topics of books and authors; informal debates diversify the Dining Hall exercises, and the instructor is gratuitously made the arbiter of frequent discussions of the 'new learning.' Even with incorrigible and indifferent men, who remain uninfected by enthusiasm, the simple strain of inexorable requirement has proved and is proving valuable."

In the Report for 1888 Mr. Z. R. Brockway, the General Superintendent, writes of the literary training of criminals:—

"After many years' experience in efforts to educate young criminals as a means of their reformation I am more and more impressed with its importance. To progress from illiteracy to a good common school education involves such changes, and increase of mind-power, that the prisoner, under similar circumstances to those of his crime, will be likely to differently govern his conduct. Possessing more of intelligence, he instinctively sees the consequences of misconduct more clearly than was

possible for him previously, and he will, even without consciously willing to follow good moral conduct for the sake of morality, be more likely to follow it as the path of wisdom. It is, as the rule, idle to expect a change of character without a change of mind; and without new habitudes, which are the result of educational training, there cannot be confidently predicted any permanent change of mind. To advance a young man from the habit of blind obedience to his instincts to habitual conduct that is self-regulated by more or less of reason, is to ensure some change of character, and usually a change for the better. The general library, although of but moderate proportions, contributes not a little to such an educational advancement. The small reference library has, the year past, been well used under pressure of a demand occasioned by the lectures, which are followed with examinations, affecting the date of the prisoner's release. The books in this library division are mainly of philosophical, mechanical, historical, and biographical character, with a few poetical works from standard authors. The librarian's distribution receipt book shows that, of these reference library books, there have been issued, by request during the year, 7,588 books besides the issue of the general library books, and a weekly issue of 400 magazines and periodicals. The taste for and habit of reading that many have acquired while here, have, as we have reason to believe, followed and remained with them at home after their release. Letters from parents and friends have been received expressing their surprise and gratification that he who previous to his course of training here was restless at home, hurrying to the street after the day's work and evening meal, now since his return from the reformatory, hurries home from his work, finding for himself, and imparting to others, happiness with his books and quiet domestic enjoyments."

In the same Report, Mr. Marvin, the instructor of the class in Practical Ethics, writes :—

"The nature of the lessons may be expressed roughly by saying that the moral life has been taken up as the subject of study, just as wealth is taken up in political economy, but no strictly theological questions have been brought in. Such difficulties of thought regarding moral distinctions, motives good and bad, conflicts of conscience, the justice and expediency of laws and governments, as usually arise as people begin to reflect seriously upon the ways of the better social life, have been considered, besides many practical questions regarding self-control, elevation of feeling and thought, and the part of wisdom in every-day affairs. To provide a thread by which the lectures might be connected into a systematic series, they have been thrown into the form of reviews of the views in turn of the various master-minds in the department of ethical knowledge,

as to the leading purpose of the wise man. Many quotations from these writers have been given, so that the instruction has afforded some information to the man of a historical or semi-philosophical character aside from its main purpose.

"The aim has been not so much to impart a knowledge of stereotyped facts and ideas as to stimulate the minds of the men to obtain for themselves a true conception of the moral order of the world of which they are members, and to form true convictions as to their relations to it. On this account both sides of doubtful questions have been noticed and a decision called for. The leading consideration in the selection of lecture topics from week to week has been the needs and interest already shown. Free discussion has always been allowed, and in some cases it has seemed profitable to devote almost the whole lesson period to it. This method not only holds the interests of the learners, even causing it at times to run quite high, but enables the instructor to carry them along more readily to desired conclusions.

"The intelligence of the class is, I think, on the whole best compared to that of an advanced class in a high school, some, of course, rising above this standard, others falling below. In general, as compared with persons of similar age in the better classes outside, they seem to be bright and quick rather than deep or close students. Their remarks in the class frequently bring forth applause or signs of disapproval from their responsive fellows, and occasionally a vein of purer metal and greater depth is touched. Without much liking for books, they seem to take naturally and successfully to the study of human nature. As might be expected, they do not evince much previous reflection upon ethical matters—not as much, I think, comparing them again to those of similar age outside, as upon economic topics.

"In what degree the purpose of this course of instruction has been accomplished cannot of course be determined. The examination papers as a whole, taken with the conduct of the men in class and elsewhere in the prison, seem to warrant the belief that considerable moral obscurity has been removed. There is abundant evidence that cant and hypocrisy have less to do with answers in examination than might be supposed, as the most superficial and refractory views are there expressed with almost unbounded confidence in their truth, and are marked the same as more approved views when the question calls for opinions."

In the Report for 1889 Mr. Brockway writes as follows of military drill and of physical training:—

"The military drill of the inmates, which commenced a year ago, has been continued until now, and a good degree of perfection has been reached. Ten companies compose a regiment

of 803 men. Every day the unemployed inmates are drilled in the forenoon; and all are drilled on Wednesday and Saturday afternoons; there is a dress parade every evening at 4 o'clock, and once a month a competitive examination is held, when all the companies compete for a set of badges to be worn for the month by the commissioned officers of the successful company. Gradually the government of the whole place is becoming a military government, largely by inmate military officers. The military organisation was made possible, indeed made necessary, by the cessation of labour in August 1888, in obedience to the Act of July of that year; but it has been found to be most serviceable in every way. The health and bearing of the men is better, their habitual mental tone is improved, common disciplinary difficulties have been diminished or well-nigh removed, and the military government of a reformatory seems now almost indispensable to satisfactory management. Holding this view, I have, by the authority of the managers, appointed a competent military instructor, Mr. Claude F. Bryan, making thus what at first was but an experiment of military drill and government in a prison a permanent department of training and a distinguishing feature of its disciplinary regime. The regiment is fully officered with line and company officers, a good brass band with drum corps is provided, and is in daily attendance at dress parade. Courts-martial and a weekly officers' class for the study of tactics are held under the guidance of Colonel Bryan, and, in all things, Upton's tactics are closely followed.

"The building for the scientific physical renovating treatment of a considerable class of the inmates is now nearly completed from funds provided by the legislature of 1888. It is 80 × 140 feet, with an open trussed roof over the whole space. The exercising hall is 80 × 100 feet, and has suspended upon the walls a gallery for pedestrian exercise. A space 40 80 feet of the eastern end is devoted to baths, hot, warm, and plunge, and with rooms for massage treatment, etc., etc. Complete scientific apparatus has been purchased, to be erected about the first of December, when, with the enlarged opportunities and improved facilities, as well as with the added experience and study of the physician and instructor, a most interesting, and, it is believed, valuable experiment will be made, intended to demonstrate what possible improvement may be wrought with defectives and dullards, in their mental and moral habitudes, by an improved physical tissue accomplished by wise and thorough physical treatment."

The foregoing passages were published in the first edition of the present book, and a year later (1891) Mr. Alexander Winter published in Messrs. Sonnenschein's *Social Science Series* a little book summarising the methods and results of the work

done at *The New York State Reformatory at Elmira.* Since then the work done has greatly developed both in quality and magnitude. Something has doubtless been lost of the idealistic enthusiasm which marked the inception of the institution, and was perhaps a little too fine spun for the human material which formed the bulk of the inmates; but the methods have become more varied, more genuinely practical and scientific. About 1893, indeed, the Reformatory went through a period of adversity, owing in part to the more or less successful attempts to limit productive work in prisons, in part to charges of undue harshness, brought by some of the prisoners against Mr. Brockway, the superintendent.

The nineteenth Year Book (1894) reflected, even at the first glance, the period of trouble from which the Reformatory had then only lately emerged. It is a very plain and unpretentious document, without even a single illustration. Although the charges brought against Mr. Brockway did not affect the special characteristics of the institution, *i.e.*, the indeterminate sentence and the system of physical and psychic treatment, they tended to throw discredit upon the Reformatory.

The main charge was of cruel and excessive punishments, and it was supported by a preliminary investigation, practically the work of a single man. In 1894, however, Mr. Flower, the Governor of New York, appointed a committee of three—Dr. Austin Flint and two lawyers, the Hon. William Learned and the Hon. Israel Deyo—who fully investigated the matter. Three documents resulted: a majority report prepared by Dr. Flint and Mr. Deyo, a minority report—dissenting at certain points—by Judge Learned, and the careful and judicial decision of Governor Flower, who, besides using the two reports as a basis, independently investigated the matter. The first and third documents are contained in this Year Book; the second I obtained independently.

The committee did its work very thoroughly, and no less than 150 witnesses were examined. As a result the majority report found that certain defects and errors existed, but at the same time recognised "the magnitude and general excellence of the work that is being accomplished." The corporal punishment consisted in "spankings" administered by the Superintendent in person, with a strap twenty-two inches long and three inches wide, and applied to the bare buttocks. Before 1882 it was very rarely employed; since 1889 it was very frequently applied. The report found that, assuming that corporal punishment is reasonable, this method was suitable and effective, not involving cruelty, and they only found evidence of excess in one case. They considered also that corporal punishment, under proper restrictions and regulations, is preferable to the modes of punishment which must necessarily take its place

if abolished. The chief changes in the Reformatory which they considered desirable were—(1) a decrease in the excessive population, 600 inmates being preferable to 1,200 (for this, of course, the managers of the Reformatory were not responsible); and (2) the appointment of an assistant to the physician. These changes would make the institution, they declared, an ideal establishment. "As it is organised and conducted, however, it is a model reformatory. Its results have been extraordinary as regards its success in the reformation of criminals. It probably stands pre-eminent among the reformatories of the world. These results are due to the unselfish devotion of the managers and the extraordinary qualities of Mr. Brockway as an organiser and an executive officer, added to his intimate knowledge of the criminal character."

Judge Learned, in his minority report, while agreeing at many points with the majority, and fully recognising Mr. Brockway's sincerity and good motives, considered that there was a certain amount of cruelty, although no permanent injury was ever caused, and the strap was only applied to the buttocks. He detailed a case in which, owing to a misunderstanding between the physician and the Superintendent, an insane man received corporal punishment. He set forth Mr. Brockway's view of such applications, *i.e.*, not as a punishment, but as a method of permanently influencing nervous action, as of "the nature more of surgery," with reference to the future rather than to the past, not retributive but remedial; he regarded it, however, as a method which should not exist in such an institution. He also pointed out that it was kept in the background, and he referred, quite correctly, to the ignorance of the present writer, some years ago, concerning its use at Elmira. At that period it was, in fact, seldom resorted to.

The Governor's decision, in the main dismissing the charges brought against the Reformatory, is a sensible and sagacious document. He pointed out, in reference to Judge Learned's conclusion, that "such a conclusion depends largely upon definitions and upon individual sensitiveness. Corporal punishment necessarily implies physical pain, but all pain is not cruel. All the Commissioners agree that the evidence exonerates Mr. Brockway from any cruelties which inflicted serious or permanent injuries upon convicts. . . . In the main he seems to have exercised his authority to inflict corporal punishment with great moderation and care, and his occasional lapses have not justified a sweeping or general condemnation of his methods and practices."

It may seem that this is not a very serious matter to arouse so much disturbance. In English prisons a much larger proportion of prisoners are punished in one way or another, 57 per cent. as against 34 per cent. at Elmira. The Reformatory is,

however, a place of international interest and importance, a model which other countries are learning to imitate, and this investigation certainly did good service in clearing its reputation from baseless charges, and incidentally also in showing that it is not, as Mr. Tallack and others have idly imagined, a comfortable and luxurious establishment to which criminals are glad to go. As a matter of fact, they much prefer the ordinary prison where no strenuous effort is required of them.

The Year Book for 1894 is once more fully illustrated, many of these illustrations being of great anthropological interest. It is fairly typical of the more recent Year Books of the Reformatory, and I will therefore quote from it at some length. It may be noted that the report is of interest to English readers, as it unintentionally comments upon certain *Observations* of our own Prison Commissioners concerning the recommendations of the Departmental Committee. It does this not only by showing the advantages of a reformatory for an older and more serious class of prisoners than our reformatories are provided for—granted always that the indeterminate sentence is introduced together with genuine scientific treatment—but also in matters of detail. Thus our Commissioners disparage gymnasiums and baths. The Year Book demonstrates that the Commissioners' objections are the outcome of inexperience. The questions involved in the treatment of criminals are essentially practical questions, and largely of medical character.

"The total of prisoners treated in this Reformatory during the year is sixteen hundred and eighty-two. The whole number were members of the school of letters, receiving instruction and subject to examinations, etc. The progress of the prisoner pupils will be sufficiently shown by the actual advancement during the year of seven hundred and sixty-five having received the benefits of the school throughout the entire year. The number in the primary and illiterate classes at the beginning of the year was four hundred and seventy-five, or 62.1 per cent., while at the close of the year this number, by their advancement, diminished to two hundred and fifty-three, or 33.1 per cent.

"All the inmates, the sixteen hundred and eighty-two, received systematic trades training, except such as had graduated in these classes or were proficient in wage-earning trades on admission, or were physically disqualified, and of the four hundred and fifteen paroled during the year, four hundred and three went directly or indirectly to employment at the trade taught them here.

"A comparatively small number of inmates, such as after medical examination were adjudged defective and specially requiring it—namely, one hundred and twenty-five—were subjected to the scientific treatment of the gymnasium, baths, and physical training *régime*, as prescribed by the physician. All

inmates, when admitted, have had the benefit of baths and exercises in the gymnasium the half of every day for the first month of their residence here. It is difficult to formulate in figures or phrase the advantages to all gymnasium pupils of baths and exercises, whether continuously and scientifically administered, as with the regularly assigned, or temporarily, as with those admitted from time to time. It is unquestionably of the greatest usefulness in every way. Quite a percentage of those regularly assigned to the gymnasium would, without their experience there, break down in health or deteriorate to a degree of degeneration beyond recovery to industry, intelligence, and safe citizenship.

"Based on this commonly accepted psycho-physical principle, special manual training, for a hundred or more of the most defective of the inmates, is now to be given under a trained director, with the sole purpose to overcome their defects. The work now initiated for this class of defectives here is not at all to teach trades or parts of trades, nor is it limited to the purpose of manual training in the public schools, which is to facilitate the general mental improvement of normal minded pupils. It is rather an attempt to cure specific mental and moral perversions, to restore deficiencies, and to adjust and balance the functions of the mind by the practice of certain selected manual processes, specifically prescribed for particular groups or individuals of the class who are irresponsive to the means employed here, but which are found reasonably successful with most of the prisoners.

"When the new departments of manual training and dietary shall be fully organised, then the catalogue of means brought to bear, at this Reformatory, for the reformation of criminals will include, stating them in the order of readiest response by the inmates, as shown by the progress of the more susceptible of them:—

(1) The desire for release as utilised for their improvement by the indeterminate sentence and 'monetary' marking system.

(2) The inducement of the gradation of prisoners with increase of comforts and privileges as they advance from the lowest to the highest grade, and under the wage-earning system.

(3) The benefits of a thorough educational system, embracing every inmate, from the illiterate to academic classes of them, a system carried on by very advanced educational methods.

(4) The good influence of the military organisation and exercises, persistently followed up, supplying substantially the same military training as that of a well-governed military academy.

(5) Industrial trades training, for every inmate, adapted to the best practical preparation for his true place with industries in free society, having special regard to fitting him to earn his own living by his own efforts when working at legitimate work.

(6) Scientific physical training in a well-appointed gymnasium with a thoroughly competent instructor and under the direction of the physician.

(7) Manual training for specially perverse and arrested and disorderly mental faculties.

(8) An improved use of food elements for nutrition, for improvement of tissue, thus promoting good health, with steadier nerves and better habitual moods and capabilities for application and endurance.

(9) Over and through all these agencies moral and religious influences are used and valued to increase the ethical power of the inmates.

"The attendance at school exercises here is emphatically compulsory. Every man committed to the institution is, on his arrival, straightway examined and assigned to school work suited to his present capacity and future needs. He has no choice about this. He must belong to the school and do some educational task from the time he comes with shackles till he leaves with his parole. He is required, too, to make, each month, some measurable progress in education as a condition of grade promotion and an early ultimate discharge. When it is considered that out of every one hundred arrivals eighty-one have good natural capacity, and yet only two have education above the merely ordinary, it will be seen that with these men the voluntary system has been a failure. The boy who attended school tardily and irregularly, neglected his lessons and disobeyed his teachers, who studied little and quitted school soon, naturally reached a prison where compulsory discipline makes a new history for him. This is briefly told: what he can do, he now must do; and what he must do, he does do.

"So the fact that every inmate belongs to the school, attends to his duty therein promptly and regularly, obeys the school regulations and commonly treats his teachers with respect, is not solely because the love of knowledge attracts him to his classes, or a desire for order makes him observant of rules, or an admiration or affection for his teachers prompts him to decorous behaviour in their presence; though often these feelings make themselves so graciously operative in zealous work and spontaneous interest, that our class-rooms seem not a part of a prison; but yet it should ever be remembered that the educational work does not stand alone. Back of it and on either side of it is always the disciplinary authority, compelling attendance, attention, industry, obedience, and courtesy, wherever and whenever these, without compulsion, would be withheld.

"The Reformatory's school has never attracted a single young man within its walls, and few that are here would study if they could avoid it. As to the sickly sentimentality that ignores

mental and moral ruin because hidden from sight, but lugubriously bewails a transient physical severity that will avert and prevent such eternal loss, we assert with blunt Dr. Johnson: 'It is all a question of choice. What is gained at one end is lost at the other.'

"As the average period of detention is about twenty months, time would be lacking to give what is called a finished education. There is here no time to waste in educational dilettanteism. The needs of these men are plain and pressing. They do not memorise obsolete tables of measures, nor work arithmetical puzzles, nor analyse Browning, nor trace the rivers of Senegambia, nor lumber up their minds with material that must be cleared out whenever the faculties are ready to undertake any important practical work.

"The course of study does not include foreign languages, higher mathematics, science in its technical aspects, rhetoric, or metaphysics; but ethics, civics, history, literature, nature-studies, and economics are included because of their immense value as a reformative influence. These higher studies are never found too difficult for mastery by our men. Written examinations are held every month, and passing an examination requires the correct answering of three-fourths of the questions. A paper marked 75 per cent. or over, saves the man from a debit in the wage-earning system, and so his parole depends in part upon his progress in the school.

"It should also be borne in mind that the Reformatory is more than a school. It is a sequestered community with an adult male population large enough to man a small city. These men are all soldiers, workmen, room-keepers, trade-learners, and scholars. The same persons are, at different times, cadets, mechanics, and students, and all are always inmates. A vast amount of individual power and ability are used by the community for its own sake, giving a daily object-lesson to every man of that practical Christian socialism which makes allies of individualism and altruism. Meeting the wants of this community engrosses the labour of many hands and minds, which, in that work for others, accomplish the highest good for themselves. To make shoes and clothing, man the laundry, cook and serve the food, till the farm and garden, milk the twenty cows and feed the two hundred swine, haul the coal, feed the fires, sweep and mop the corridors, shave the beards and cut the hair of twelve hundred men, keep the records, distribute the library, edit the newspaper, teach forty classes, are some of the things upon whose faithful daily doing depends largely the on-flowing of the great institutional life.

"The aggregate enrolment of pupils in the trades-school during the year was 2,019. The discrepancy between this and 1,682, which is given elsewhere in this year-book as the total

number of men confined within the Reformatory for the same period, is accounted for by the fact that some inmates received instruction in two trades. The pupils were distributed among the several classes as shown below:—

Baking	14	Music	56
Barbering	85	Pattern-making	9
Bookbinding	32	Photography & Etching	17
Brass-working	31	Plastering	59
Bricklaying	130	Plumbing	106
Cabinet-making	35	Printing	110
Carpentry	189	Shoemaking	70
Clothing-cutting	38	Sign-painting	23
Cooking	17	Steam-fitting	30
Frescoing	88	Stenography and Type-writing	56
Hardwood finishing	29	Stone-cutting	53
Horseshoeing	44	Tailoring	100
House-painting	24	Telegraphy	5
Iron forging	62	Tinsmithing	50
Machine-woodworking	6	Upholstering	42
Machinists	117	Wood-carving	35
Moulding	234	Wood-turning	23

"Of the number of pupils here enumerated 403 were released from the institution, of whom 224 went directly to employment at trades acquired at the Reformatory.

"The results which trades teaching accomplishes for the prisoner are at once so apparent that no detailed elucidation of their virtue is needed. When it is reflected upon that of the inmates confined within the enclosure during the period covered by this report, less than 2 per cent. possessed trades before commitment, the wisdom and expediency of imparting such instruction as a preventive of crime becomes highly suggestive.

"During the year the gymnasium has been more closely associated with the general workings of the Reformatory and its various departments than in the past, and has rendered possible the several anthropometric tables herewith presented. In addition to being an adjunct to the hospital, co operating in the work of the various schools of letters and trades, a place of renovation and betterment of those who become shop-worn, or in whom exist temporary contra-indications for employment in the several industries carried on, it has included in its operation all new men during the time passed in the awkward squad.

"There has been some criticism in the past as to a gymnasium having a place in the working of a penal institution; and in view of comment arising from what has been said relative to the employment of out-door games, it should be said the gymnasium and athletics are employed in the case of certain physically and mentally defective ones—not for purposes of amusement and

diversion, *per se*, though incidentally they may act as such, but rather as a means in the development of increased susceptibility to the educational work of the Reformatory, mental, moral, and spiritual, through which is sought to establish a habitude of industry and right-living in the free world. The fact is thoroughly appreciated that gymnasium work and out-door games will not alone operate to correct vicious practices and criminous acts that have extended through a series of years, but are simply a part of the means employed in a reformative plan of treatment to confer stability of purpose and aim and secure accomplishment upon a higher plane than obtained prior to sentence to the Reformatory in a class not yet beyond the plastic or growth period.

"Beginning with early spring, all new arrivals received gymnasium training and bathing in the afternoon during the time they were in the awkward squad and prior to the time of assignment to the military. Two hundred and thirty men were so treated with an average of four weeks per man."

The twenty-first Year Book (1896) contains no strikingly new features. Two points may, however, be mentioned. In accordance with a new law passed by the State (not actually in operation during the period covered by this Report), the prisoners must be constantly employed without producing any commodities of value; thirty-four trades were being taught in the Reformatory; how far it would be necessary to discontinue these trades, which have an enormous influence, direct and indirect, in preventing crime (less than 2 per cent. of the prisoners know any trade on admission), is not clear from the Report, but the managers were specially developing the sloyd system and similar methods of manual training, which appear to work very satisfactorily. Another point is the unusually high insanity rate during the year. In a population of 1,400, not less than 23 were transferred to the Matteawan State Asylum. In partial explanation of this high ratio, we are told that "there has been a more liberal interpretation of mental alienation than in the past, and 'insanity of conduct' has, in certain cases, been referred to lesions of the mind. Of those committed to Matteawan as insane, and prior to being so adjudged, nine were instances of crankism, 'borderland dwellers,' and might properly be termed mattoids; eight were psychopaths, deficient in inhibitory power and subject to recurring nervous explosions; and seven gave a faulty family history of alcoholism in the father and epilepsy or insanity of brother or sister." It should be added that according to a recent law of New York State no direct transfer to the asylum can be made by the Reformatory officials; application must be made to a judge who appoints a commission of two physicians who are qualified examiners in lunacy; these report to the judge, who, in the event of the case being declared on

oath to be one of insanity, issues the order of transfer to Matteawan. Coincidently with this increase in insanity there has been an accompanying increase in the attempts to feign insanity, sixteen cases (equal to the aggregate of over three preceding years) being reported.

The work of the gymnasium has been extended on account of its beneficial results, the plan of subjecting all new arrivals to it for a season having been found specially satisfactory. As the gymnastic system has now been operating side by side with the military system in the institution for seven years, it has been possible to reach valuable conclusions concerning the relative value of the two systems. The comparison is here worked out in some detail, and it is stated that while military discipline and exercises show certain advantages, the more scientific and thorough methods of gymnastics are on the whole to be preferred.

Special training, partly in connection with the new manual training department, is devoted to three defective groups, differently organised according to their special requirements. (1) Mathematical dullards, (2) those lacking in self-control, (3) stupids or mattoids. (It may be here pointed out that to identify the "mattoid," as is here apparently done, with the "all-round defective" is a loose and unjustifiable misuse of terms, and should not be sanctioned.) The first group were almost or quite incapable of solving the most elementary problem in mental arithmetic, and were sluggish, sleepy, and dreamy, whether at work or repose. They suggested arrest of mental growth. They received five hours' special exercise per week, half-an-hour at a time, with daily rain-bath and rubbing down; the exercises include light calisthenics with loud counting and simultaneous movements, the laying out of geometrical fields for athletic events, and jumping, target-throwing, each feat being measured and recorded by the performer. The second group are superior, both physically and mentally, to the other groups, though they sometimes show the deteriorating effects of sexual abnormality, and their exercises are specially devoted to the cultivation of self-control and self-reliance; it has been found possible to greatly increase their will power. The third group of all-round defectives are not far above the standard of feeble-mindedness, and it is a great object to arouse them from the lethargic state into which they periodically relapse. The bath has here been found very useful. Physical defects of many kinds are common in this class, and such conditions are met by special exercises. "After a general *resumé* of the work accomplished, it can be safely asserted that out-door athletics and gymnastics have proven to be, in a measure, a prophylactic for a number of ills to which these three groups of defectives are subject,"

The twenty-third Year Book (for 1898) is noteworthy as containing an appeal, in the Board of Managers' Report, for an unconditional indeterminate sentence. The fact that detention is limited to the maximum sentence imposed by law induces the well-disposed criminals to qualify themselves for early discharge on parole, but it furnishes no inducement to the less well-disposed prisoners who are aware that they must necessarily be set free on the expiry of the maximum term, and therefore make no effort to qualify themselves for the privileges of liberty. When the Reformatory was first established the indeterminate sentence was an experiment. "But during the life of this Reformatory," remark the Managers, "such change has occurred in public sentiment and in the laws of States and management of reformatory prisons, that, it is believed, the complete indeterminate system of sentence for crime may now be safely instituted." It is not necessary to guard against the hardship of unduly long imprisonment, for under the stimulus of the Reformatory system the average detention has only been two years and two months; while prisoners sentenced to the ordinary prisons on a definite sentence for identical crimes remain, after deducing all possible abatement for "good time," quite four years. "The utter impossibility," the Managers point out, "of pre-determining what length of time is required to accomplish for prisoners the changes of character to be wrought out by the educational and disciplinary training of this great educational institution should be apparent on the simple statement, but must be clearly evident when it is known that of all the prisoners committed to the Reformatory fully 89 per cent. pleaded guilty when arraigned for trial and were before the court, for trial and sentence, from five to thirty minutes only."

Instruction in trades, the Manual Training Department, the Department of Physical Training, the Military Organisation, and the School of Letters, were all carried on energetically during this year. It was sought so to average trade instruction that, as far as possible, the prisoner should acquire during one year as much knowledge as during three years of ordinary free apprenticeship. Thirty-six trades were taught to 1,410 prisoners, and of the 603 prisoners discharged nearly 80 per cent. went directly or indirectly to the trade learnt in the Reformatory. Experiments on food and feeding were being made with the object of bettering a class of prisoners who derive little advantage under ordinary prison conditions. In the gymnasium 1,554 inmates were treated with baths, massage, calisthenics, and all benefited, mentally and physically. A large number of the defective class of prisoners (whether the defect was due to lack of intelligence or of self-control) were treated in the Manual Training Department, usually with great benefit.

APPENDIX D.

The Investigation of Criminals.

The recent advances that have been made towards rendering more precise and scientific our methods of investigating the insane and criminal tend to complicate the work of those who have to deal with the abnormal classes. As rule-of-thumb methods fall into discredit, and as it becomes recognised that however important the study of the nervous system after death may be, it is far more important to investigate it during life, the apparatus of investigation becomes more difficult both to learn and to apply. It is therefore somewhat strange that so few efforts have yet been made to give adequate instruction in such methods. In Italy, where so much has been done to initiate new methods, there are greater facilities for instruction than elsewhere; the laboratories of universities and asylums from Turin to Naples are constantly sending out young investigators to do sound and unobtrusive scientific work. In Germany the investigator has usually to work out his own methods, though he sometimes does this to very good effect. France has at least the good fortune to possess the fruitful medico-legal school at Lyons, under Lacassagne's superintendence, and at Paris a practical school of anthropology which through Manouvrier and others is closely in touch with criminal anthropology. At Paris, also, as well as in many other parts of Europe, at Amsterdam, at Cracow, etc., lectures on criminal anthropology form a more or less extensive part of official courses, though mere lecturing cannot be expected to furnish much stimulus to practical work. In America, where considerable interest is taken in the study of abnormal human variations generally, lectures on criminal anthropology, occasionally with a certain amount of practical demonstration in methods, have formed part of the courses of many universities and colleges. This is notably the case at Clark University, and at the new but important University of Chicago, also at the young and vigorous Leland Stanford University in California. At Wisconsin University, Brown University, and Vassar College, etc., there are or have been courses on criminal anthropology.

At a recent Indian Medical Congress, the president of the Medico-legal Section devoted his address to criminal anthropology with a view to the opening up of the large and unexplored field which is to be found in India. But this and all similar ends cannot be attained until the investigator has received a certain amount of training. So far as I am aware, and I shall be glad to be assured that I am mistaken, this is not yet possible in

England. We do not yet possess a single centre at which such elementary instruction may be obtained in anthropology and anthropometry, and in precise psychological methods, as should be possessed by every one who expects to be in charge of the criminal and the insane.

It would be an advantage, both practical and scientific, if the study of the criminal could be associated with the study of the insane, as is to some extent done in Belgium, in accordance with the methods advocated by Dr. Jules Morel. Dr. Goodall has well emphasised the need for co-operation between the gaol and asylum services. "The separation of these services in this country is," he remarks, "in my opinion, fundamentally wrong, being unphilosophical because it ignores the connection existing between the two great degenerations—crime and insanity. We might as well maintain separate and distinct institutions for the study and treatment of different disorders or degenerations of any particular organ other than the brain as maintain asylums and prisons so wholly apart. The inconveniences of such separation are the same in nature—though not the same, it might be conceded, in degree—as those which would arise were the surgical and medical departments of a hospital divorced entirely the one from the other and placed under different jurisdictions.

"As a practical result of the disunion of asylum and prison administrations we find that there is very little interchange of views between the respective medical officers, but instead absence of co-operation and mutual interest. This is a regrettable state of affairs, for surely such co-operation should be the basis of the studies through which we may hope to stay the propagation and to mitigate the evils of the degenerations in question. Alike in asylums and prisons there is danger lest medical officers should lose the light of research in the murkiness of administrative detail. In asylums, however, a considerable amount of investigation work is now, and has for some time been, in progress. I would not venture to state to what extent the authorities in prisons have adopted the enlightened views of many asylum committees in respect to the encouragement of research, or to surmise in what degree we may in the near future expect contributions in the domain of criminal anthropology which shall be the equal of those we are now accustomed to receive from the Continent. If it be the fact, as I am informed from sources which I deem trustworthy, that no necropsy, meaning thereby cutting the body or opening its cavities, is ever made on an executed criminal (this restriction would, of course, preclude examination of the brain or its preservation for museum purposes), and that it is not permitted even to take a cast of the head in such a case, there would appear to be ample opportunity for the cultivation of a more modern and progressive spirit in

the prison service. It is scarcely credible that such conditions—grave, as connoting lack of encouragement of research—should obtain.[1] In Italy, the Government passed a law some twelve years ago authorising those engaged in medico-legal work at the University of the town in which a prison is situated to make necropsies upon all criminals unless their families objected (a proviso quite unnecessary in my opinion). As regards Austria-Hungary there is no question of forbidding necropsies in the case of criminals. But although our knowledge in the domain of criminal anthropology has been derived, one may say, almost wholly from Continental sources, even on the Continent the study of the criminal has been kept too much apart from that of the lunatic. Alike abroad and at home the question arises whether it would not be advantageous to associate with each other the prison and the asylum services, in order that crime and insanity may be studied side by side."[2]

It may be useful to some of those who are anxious to work out a method of their own if I here reproduce the scheme which Dr. Goodall has found useful in his own work among the insane. It will be found too detailed by many, and practice will show which points may most easily be neglected. I would add that to English books dealing with anthropology and its methods, Professor Haddon's very interesting work on *The Study of Man* (Progressive Science Series), 1898, should be added.

"For some time," Dr. Goodall states,[3] "I have been engaged in the endeavour to draw out a practical scheme for the systematic anthropological examination of asylum inmates, and this has been for many months in use. In making out a scheme for a general investigation one requires to avoid undue elabora-

[1] Not only, however, do these conditions obtain, as Dr. Goodall remarks, but there is even a tendency for them to spread to the British colonies. It is stated on the best authority, with regard to the murderer Deeming (*Brit. Med. Jour.*, 9th July, 1892), that, "notwithstanding strenuous and continued effort on the part of the Victorian Branch of the British Medical Association, the Government of the colony absolutely decline to permit of a *post-mortem* examination of this prisoner's brain, following the precedent that they had set themselves in a recent case against all past experience here, and in the face of all usage in all civilised communities." The action of a government in such a sense can only be regarded as due to a fear that its mistakes will be exposed, and since such action conduces to mistakes in the future, it is most reprehensible. It is the invariable practice at criminal lunatic asylums (Broadmoor, etc.) to make *post mortem* examinations, and it is an extraordinary anomaly that criminals who are not lunatics should be excepted from this rule.

[2] E. Goodall, "The Associated Study of Crime and Insanity," *Lancet*, 26th December, 1896.

[3] "On Anthropological Work in Asylums, with a Practical Scheme for conducting the same in Adults," *Lancet*, 15th July, 1899.

tion in special directions, and it is equally important that regard be had to comprehensiveness as far as time will permit in a general investigation. In anthropological work there are many directions in which one can specialise. The cranium, the ear, and the palate, for example, can be made the subject of elaborate study, and for these purposes there will always be special investigators to work after the methods of Rieger, Benedikt, Schwalbe, and others. But we must also have the results of a general survey; a general examination is necessary, based upon a scheme comprehending the entire surface of the body. As regards such a scheme I should advocate one drawn up by an authoritative body as most likely to be efficient and to be generally adopted. I have not much desire and no expectation that the scheme which I personally use should be followed by any one; but I am in hopes that individual efforts may promote interest in this question and lead ultimately to the promulgation of an authoritative scheme for asylum use in which the best of what is of individual origin will doubtless find a place. In making out the subjoined scheme I have of course been indebted to work already done, and I have found especially useful, and am indebted to, the writings of E. Schmidt, Bertillon, A. Meyer, and Peterson. The two former I especially recommend for instruction in technique. Various measurements affected by the state of nutrition of the individual and various descriptions which would demand a ready co-operation on the part of the subject—both of which would be looked for in a scheme for the examination of sane persons—have been omitted. So also have measurements and descriptions intended for purposes of identification. As regards instruments, I employ (1) a two-metre rule starting from the floor, fixed vertically against a smooth wall of polished matchboard (this is for the various vertical measurements, with the exception of that for the height of the crown of the head above the lower limit of the trunk, taken in the sitting position, for which I employ a special metre rule and stool, after Bertillon); (2) a portable wooden square to slide alongside the rule with movable steel arm with which to take the vertical measurements; (3) Benedikt's steel callipers for head measurements; (4) a specially-constructed large steel callipers with two pairs of arms on opposite sides of the measure, one pair curved and the other straight, for trunk, limb, and face measurements; (5) an ordinary metre rule and steel tape measure and drawing compasses; (6) a specially-constructed instrument for taking the facial angle; and (7) lead-strips for the cranial curves (to be transferred to millimetre paper). It is well to have a small callipers, with straight arms for the ear measurements, but (4) answers for this purpose. Landmarks are best indicated with an Indian ink pencil. A very practical general anthropometer is the 'traveller's anthro-

pometer' of Dr. Garson which is figured in *Notes and Queries on Anthropology*.

"To carry out the scheme of work an assistant is necessary, and preferably a medical colleague, as errors associated with the personal factor are thereby better corrected. My colleague, Dr. Peers MacLulich, assistant medical officer at Carmarthen Asylum, is assisting me, and I am indebted to him for various practical suggestions in the application of the scheme. An attendant or a reliable patient to control the subject under examination is often useful. Subjoined is the scheme. (Details of practical application are too numerous for insertion.)"

MEASUREMENTS (Metric System).

Height of the crown of the head above the ground (*a*).
Height of the upper margin of the external auditory meatus above the ground (*b*).
Height of the margin of the chin above the ground (*c*).
Height of the brain-case by subtracting (*b*) from (*a*).
Height of the head by subtracting (*c*) from (*a*).
Height of the upper margin of the sternum above the ground (*d*).
Height of the centre of the umbilicus above the ground.
Height of the upper margin of the symphysis pubis above the ground (*e*).
Length of the trunk in front by subtracting (*e*) from (*d*).
Length of the upper arm (tip of the acromion to the head of the radius).
Length of the forearm (head of the radius to the tip of the styloid process).
Length of the hand (level of the tip of the styloid process to the tip of the middle finger).
Height of the anterior superior iliac spine above the ground.
Height of the upper margin of the great trochanter above the ground.
Height of the knee-joint above the ground (from the groove between the femur and the tibia).
Height of the tip of the internal malleolus above the ground.
Height of the seventh cervical process above the ground.
Breadth of the shoulders (outer edges of the acromion processes).
Reach (from tip to tip of the middle fingers, the face to the wall).
Distance between the anterior superior iliac spines.
Greatest distance between the iliac crests (difficult in stout persons).
Greatest distance between the great trochanters.
Chest circumference at the armpit level (in mid-respiratory state).
Circumference of the knee, the ankle, and the wrist (at fixed points).
Length of the thumb (from the metacarpo-phalangeal joint).
Length of the middle finger (from the metacarpo-phalangeal joint)
Breadth of the hand at the knuckles (closed hand).
Length of the foot (to the tip of the great toe).
Greatest breadth of the foot.

Height of the crown of the head from the seat (sitting posture).

Greatest antero-posterior diameter of the skull (from the glabella to the furthest occipital mid-point).

Circumference of the cranium (through the previous two points).

Naso-occipital arc (root of the nose to the lowest point of the external occipital protuberance).

Naso-bregmatic arc (root of the nose to the bregma) (*f*).

Naso-lambdoidal arc (root of the nose to the lambda) (*g*); more often obtainable than the former.[1]

Bregmato-lambdoidal arc, (*f*) from (*g*).

Binauricular arc (between fixed points on the anterior rim of the external meatus).

Auriculo-bregmatic radius (from the same points to the bregma).

Auriculo-bregmatic arc.

Greatest transverse diameter of the cranium.

Binauricular diameter (from the same points as the arc).

Empirical greatest height of the cranium (from last and binauricular radii).

Lead-strip curves of the cranium: antero-posterior (over the glabella and occipital protuberance); horizontal (over the glabella and furthest occipital point); and transverse (corresponding to the greatest diameter).

Length-breadth index of the cranium.

Greatest breadth across the malar bones.

Greatest breadth between the external margins of the orbits.

Breadth between the external angles of the eyes (*h*).

Breadth between the internal angles of the eyes (*i*).

Sum of the breadth of the eyes, (*i*) from (*h*).

Breadth of the mouth.

Bread h between the angles of the lower jaw.

Distance from the angle of the lower jaw to the chin-point, right and left.

Distance between the central point of the lower margin of the chin and starting line of hair.

Distance between the chin-point and the root of the nose.

Distance between the chin-point and the angle between the nose and the upper lip.

Distance between the chin-point and the mouth-fissure.

Distance between the external angle of the eye and the angle of the mouth, right and left.

Greatest height of the orbits, right and left.

Distance between the root of the nose and the post-glenoid process of temporal bone, right and left.

Distance between the chin-point and the post-glenoid process, right and left.

Distance between the nose-tip and the post-glenoid process, right and left.

Distance between the external angle of the eye and the post-glenoid process, right and left.

[1] Note abundance or reverse of hair. The value of these measurements is diminished by their being taken over hair. A deduction is sometimes made for the latter.

Linear measurement from the angle between the nose and the lip to the post-glenoid process.

Direct measurement between the same points.

Breadth of the nose at the nostril attachment.

Facial angle, right and left.

Breadth between the temporal ridges, just above the external angular process of the frontal bone.

Descriptions.

(*a*) *Anatomical.*

General form of cranium.—(Macrocephalus, micro-, chaemo-, lepto-, scapho-, oxy-, plagio-, trigono-, trocho-cephalus, etc.). Viewed from above, behind, laterally; any local characteristics of the cranium.

Forehead.—Inclination of the frontal line; gradations from receding to prominent or bulging. Prominence of the frontal bosses. Height: gradations from very little to very great; usually measure. Width: same gradations. Degree of prominence of the superciliary arches. Degree of prominence of the frontal sinuses.

Face generally.—Shape: long and narrow, short and broad, etc.; lozenge-shaped. Asymmetry (see measurements). Proportion between the forehead and the lower part of the face. Inter-ocular space: abnormally large or small.

Nose.—(1) Shape: (*a*) concavity of the root—size of; (*b*) general shape of the ridge. Cave; rectilinear, convex, cave-sinuous, rectil.-sinuous, vex-sinuous (Bertillon); and (*c*) inclination of the lower edge. (2) Dimensions (to eye): (*a*) height (root to the nostril attachment)—gradations, little to great; (*b*) projection, same gradations; (*c*) width (between wings); and (*d*) large or small, in proportion to face. (3) Peculiarities, as tapering, thick, bilobed, shape and formation of the nostrils, deviation of the nose, etc.

Lips.—In profile; height of the upper lip; little, medium, great; relative prominence of the lips; thickness of: thin, thick, "blubber." Upper protuberant; lower pendant; median furrow of upper accentuated; pouting or compressed (permanent or habit).

Mouth.—Pinched, gaping, normal; corners elevated, depressed, horizontal.

Cheek-bones.—Prominence of.

Chin (in profile).—Inclination of: receding, medium, projecting. Ball of: absent, medium, large. High, medium, low.

Eye.—Palpebral fissure: little or much slit, horizontally; little or much open, vertically; direction of fissure, horizontal, oblique; Mongolian characteristics. Upper lid: covered, uncovered, patient looking forward; drooping. Balls: sunken, protruding. Eyebrows (Bertillon): heads near, distant, united; low, high (middle eyebrow to the centre of the eyeball); rectilinear, arched, oblique (and direction, if last); short, long; narrow, wide. Hairs: scanty, abundant; long, short; blonde or dark. Eye-lashes: long, short; abundant, scanty, or absent. Iris: general colour of, flecks on, chromatic asymmetry, coloboma, etc. Eye anomalies: strabismus, nystagmus, etc. (Refractive errors probably constitute a special study.)

Ear.—Maximum length and breadth. Length of implantation. Length from the nose-lip angle to the upper and to the lower limit of implantation. Insertion: perpendicular, oblique. Separation from head: in whole or in part. Clinging to head: in whole or in part. Supero-posterior contour: acute, square, round. Helix (regarded in three parts, anterior, superior, and posterior): small, medium, large, absent, flat. Helix: open, intermediate, adherent; regular, rumpled. Fossa of: shallow, deep; broad, narrow; Darwinian nodosity, or tubercle present. Antihelix: convex, concave, intermediate (on vertical sagittal plane); superior division of: accentuated, medium, *nil;* any peculiarity of its branches; fossa of: small, large; deep, shallow. Antitragus (general direction of): horizontal, intermediate; oblique; edge of: rectilinear, projecting, intermediate; everted, intermediate, erect; small, medium, large. Tragus: large, medium, small; posterior edge bifurcated. Concha: small, large, deep, shallow, traversed. Lobule: square, intermediate, gulfed; blending, intermediate, separated; channelled, dimpled; elevated, intermediate; small, medium, large. Mobility of ear (volitional).

Hard palate.—Cast if possible (saving of time to take several different cases at one sitting. The casts can be detached from the moulds and shaped subsequently). General observations *re* shape of vault and of alveolar margin. Note cleft.

Soft palate and uvula.—Arches of the former symmetrical. Uvula: size, shape, whether bifurcated, and whether deviating to one side when the palate is raised.

Tongue.—Any peculiarities in size and form.

Teeth.—Large, small, irregular, deformed, misplaced, projecting. Diastema, numerical augmentation of, etc. Note great development of the superior central incisors with small lateral incisors (or absent).

General contour of the head.—Prognathic, naso-prognathic, orthognathic. Lower jaw prominent.

Fronto-nasal profile.—Rectilinear, angular, parallel (or nearly so), semilunar.

Occiput.—Flat, bulging.

Skin.—Anomalies of, such as nævi, pigment spots, albinism, colouration of.

Hair.—Amount on head, face, trunk, and limbs. Premature greyness; excess of local growth; coarse, fine; straight, wavy, curly. Glabrous chin and cheeks in men. Growth on unusual parts. Asymmetry in growth at any part. Low growth on forehead. Colour of hair: black, coal-black; dark brown, chestnut; yellow, flaxen; red (auburn).

Nails.—Abnormalities of.

Limbs.—Congenital contractions, paralyses, atrophy, luxations and joint anomalies; abnormalities in size or appearance (as feminine types in men). Form of hands, feet, and digits: excess of digits. Note size of great toe and dimensions of space between it and second toe, with unusual mobility of first.

Body generally.—Giantism, dwarfism, asymmetry. State of breasts and genitalia. Buttocks asymmetrical. Femininism, masculinism. Infantile traits. Deviations of spine, chest-conformation, etc.

(*b*) *Physiological.*

Anomalies of motor function.—Tremors, tics, nervous muscular movements, etc.

Anomalies of sensory functions.—Deaf-mutism; in some subjective examination will be possible—as to hyper-, an-æsthesia, neuralgiæ, migraine, etc.

Anomalies of speech.—Stammering or defective speech; character of voice.

Miscellaneous.—Incongruity between age and appearance; left-handedness; state of circulation.

(*c*) *Psychical.*

If alienation, nature of; or other abnormality, as eccentricity, moral delinquencies, egoism, imperative ideas, excessive emotionalism, mysticism, hysteria, epilepsy, intellectual or other precocity. Note facial expression. Note evidences of degeneration in history, family and personal, including evidence of anomalies in sexual life of patient (impotence, sterility, perversion, menstrual anomalies), and dispositions to diseases.

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APPENDIX E.

ADDITIONAL NOTES TO FOURTH EDITION.

Page 2. *The Regenticide.*—During recent years a particular variety of political offender has in all civilised countries acquired peculiar importance: the anarchist who kills a king, governor, or political leader, and is termed a regicide, or, more comprehensively, a magnicide or regenticide. Such regenticides have, since the present book was first published, been responsible for a long series of murders: notably, President Carnot in France, President McKinley in the United States, King Humbert in Italy, Canovas in Spain. The murder of Sir Curzon Wyllie in England scarcely belongs to the same class; it may be said to be intermediate between the old class of political crime and the new class of so-called anarchist crime; resembling the former in being inspired by ideas of national liberation rather than of a new social order, and resembling the latter by its method of striking at a person whose death merely calls attention to the end desired, and by no means contributes to the attainment of that end.

There is some difference of opinion as to whether the regenticides are properly classed among political offenders. They are so classed by Proal, Sernicoli and others. But some, like Krafft-Ebing, Mendel, Régis, and Talbot, consider that they very frequently belong to the class of insane criminals. (See, *e.g.*, Régis, *Les Régicides dans l'Histoire et dans le Present;* E. S. Talbot, "Degeneracy and Political Assassination," *Medicine*, December, 1901; and, in opposition to this view, E. C. Spitzka, "A Question of Figures," *Alienist and Neurologist*, April and August, 1902; and by the same author, "Remarks on the Czolgosz Case," *Medical Critic*, January 1902.) Others, again, like Van Hamel, Aubry, and Bérard, class the regenticides with common law criminals, and their crime with ordinary murder. There are still others, like Garraud, who place the regenticides in a class by themselves.

On a question of classification, concerning which men who speak with authority differ so widely, it is evidently impossible to decide with complete assurance. It may be said, however, that it is difficult to accept either of the two extreme views. However frequently insanity may be found among regenticides

some of the most typical regenticides have certainly not been insane in any technical sense. Nor, at the other end, is it possible to identify the regenticide with the ordinary criminal. The latter, however false his calculations may be, is moved by self-interest; he reckons that he has a fair chance of personal gain. But the regenticide is perfectly well aware that—putting aside posthumous fame or infamy—he has no chance of personal gain; he deliberately sacrifices his life for the sake of an ideal, for what he believes is for the benefit of humanity; this alone seems to place him entirely apart from the criminal against the common law. It would seem that we must either place the regenticides in the class of political offenders, in which case our conception of that class must be somewhat modified or enlarged, or else we must regard them as constituting an allied but distinct class.

Regenticides are usually considered to be anarchists, and frequently claim to be such. It is necessary to understand the relationship of the regenticide to the anarchist. The common law offender frequently claims to be an anarchist; he regards anarchism as a plausible philosophical excuse for his exploits. But his claim is sufficiently refuted by the fact that his crimes have an obvious motive in purposes of gain.[1] As a matter of fact there are very few anarchists among common law offenders, even in regions where anarchism abounds (see *ante*, p. 190). Crimes of violence following robbery, and usually committed merely in self-defence, have also no connection with anarchism, though the perpetrators are often popularly termed "anarchists." The genuine anarchist attacks rulers or leaders in the social state; far from seeking personal gain he knows that he is almost certainly devoting his own life to the cause he has at heart, and he seeks to justify his act by regarding it as a protest against a social system which is responsible for an incalculable amount of misery and death. No doubt it may be maintained that such acts of violence and such a standpoint are not strictly compatible with anarchism; the anarchist holds that the evils of the present social state are due to its violence and its forcible suppression of spontaneous social activity. Therefore by adopting the method of assassination he is accepting in its very worst form the evil he condemns. It has to be recognised, however, that the declarations of certain anarchist leaders may be plausibly

[1] That the pseudo-anarchist is acting in opposition to the principles of anarchism has been pointed out by J. Gouzer ("Psychologie de l'Anarchiste," *Archives d'Anthropologie Criminelle*, 1894); it is not altruism, or even their own personal misery, which impels these men; "it is their idleness and their appetites which lead them to put forth anarchistic principles as a method of exploitation, and, if need be, of defence."

interpreted as justifying assassination. This has been the case ever since in 1876 Cafiero and Malatesta proclaimed the desirability of *propoganda by act*, in order to affirm the principle of anarchism and to spread abroad a knowledge of the natural laws of social life. (This has, for instance, been set forth in a temperate article by Eugenio Calon on "La Delincuencia Anarquista" in *La Lectura* of Madrid, July 1908). It was inevitable that ignorant and hot-headed youths—often of abnormal temperament to start with, and roused to feverish enthusiasm by the spectacle of social misery and contact with an environment of revolt—should be fatally driven to acts of violence, which seem to them likely to speed on the regeneration of the world as well as to ensure a martyr's crown.

The modern regenticide in his most typical aspects is well represented by Caserio, the murderer of President Carnot, and Czolgosz, the murderer of President McKinley.

Caserio was minutely investigated by Dr. Lacassagne, who in 1894 published a book about him which has passed through several editions (also *Archives d'Anthropologie Criminelle*, 1894); his behaviour in prison has been described in detail by M. Raux, the honorary director of the prison ("Les Actes, les Attitudes et le Correspondence de Caserio en Prison," *Archives d'Anthropologie Criminelle*, 1903, pp. 465-506). Régis has pointed out that regenticides are usually young; Caserio was only twenty-one. His father, otherwise an ordinary working man, seems at one time to have been epileptic, and it was said that an uncle was insane. Caserio's mother seems to have been a woman of good heart and fine feelings. Caserio had little education, and his intelligence, though quick, was superficial; he was a baker's assistant, and was dismissed shortly before his crime. His predominant quality was character; he had a strong will, with great energy and persistence. He was emotional, with ready sympathy; as a child, he said, he could not even kill a fly. If the President's mild eyes had been fixed on him before, instead of after, he struck him, the dagger would have fallen from his hand. But the thought of human suffering always drove Caserio to frenzy, and his eyes would become inflamed with savage anger. From the age of fourteen he had often been moved to tears by the spectacle of the drudgery to which even the children of the poor are subjected in Italy in the endeavour to earn a miserable wage. Victor Hugo, on account of his pictures of suffering, was Caserio's favourite author. He thus offered a favourable soil for the crudest anarchistic ideas to germinate in. He was a fanatic, says Raux, "une espèce d'illuminé." Lacassagne calls him "un fanatique assassin," and thinks he cannot altogether be ranged among the regicides as understood by Régis. This is no doubt correct, since Regis regards the regicide as necessarily in some degree insane.

There were no signs of insanity in Caserio, and even stigmata of degeneration were few and slight. He was not epileptic, and he had no psychic anomalies or defects. In appearance, Caserio was rather tall, with mild, frank eyes of greenish tint; the Italian type was not specially marked. His lips were thick, but he had an open and almost constant smile. On the whole, it was a not unintelligent but yet not significant face. He was not loquacious, but was always prepared to defend his opinions and his crime. In the letters he wrote from prison he constantly sets forth his feelings and ideas, and reaffirms his own attitude. The day before his execution he wrote in a letter to his sister: "Do not believe those who tell you that I am an assassin, but remember that it is for a great ideal that I am dying." He went docilely to execution, though trembling slightly. "Courage, camarades, vive l'anarchie!" were his last words beneath the knife of the guillotine.

The reliable information concerning the personality of Czolgosz is small but authoritative, consisting of a psychiatrical investigation by Dr. Carlos F. Macdonald and a report of the post-mortem examination by Professor E. A. Spitzka ("The Trial, Execution, Autopsy, and Mental Status of Leon F. Czolgosz," *American Journal of Insanity*, No. 3, 1902). It should be said that Dr. Macdonald's mental examination was made at the wish of both prosecution and defence, who desired to have the opinion of an independent expert. Czolgosz was at this time twenty-eight years of age, unmarried, a labourer by occupation, born in Michigan of Polish parents. He was of medium height, blue-eyed, with light curly brown hair. He was mild-mannered and good-looking, with a pleasing expression of countenance which is noted alike by Macdonald and Spitzka, and distinctly confirmed by his photographs. His head and face were singularly symmetrical, and his body generally was almost entirely devoid of any stigmata of degeneration. Nor were there any tremours, inequality of pupils, abnormal reflexes, or other indications of a disordered nervous system. Czolgosz spoke little, but he was ready to answer questions; and though his manner was quiet his answers were firm. He showed no signs of exaltation, and made no claim to any "mission." He merely said that he had "done his duty," for McKinley was "an enemy of the good people—the good working people," and he was not sorry. He declared himself an Anarchist, and said that he had associated with Anarchists and studied their doctrine. He met his death by electricity calmly and courageously, with defiant determination. All five of the mental experts who examined Czolgosz were of opinion that he was, without question, absolutely sane. The careful post-mortem examination by Professor E. A. Spitzka revealed nothing inconsistent with this conclusion. Czolgosz's body was normal, healthy,

well proportioned, and well nourished, though not coarsely developed. The skull was sub-brachycephalic, as would be expected in a Pole, and not more than normally asymmetrical. The brain was entirely healthy and normal, and its individual peculiarities—such as are found in all brains—were not specially remarkable or significant. Its weight (1415 grs.) was a little over the average, but the two halves showed nothing of the special lack of symmetry commonly found in highly-endowed individuals. On the other hand, it showed no marked evidence of arrested development or atavistic anomalies.

In order to realise the distinct physiognomy of the true anarchist criminal it is only necessary to place him beside the ordinary criminal, even when the latter affects the airs of the anarchist. A typical example of this latter class is furnished by Ravachol, and we have the advantage of possessing a detailed picture of his last days by the same director, M. Raux, who has described Caserio, a picture which is all the more instructive because M. Raux himself is content to regard Ravachol as an anarchist, even in the extreme degree. (Raux, "Étude Psychologique de Ravachol," *Archives d'Anthropologie Criminelle*, 15th Sept. 1903.) Ravachol, who was of Prussian origin (his real name was Königstein), though born in France, was the son of an artisan who drank and who ran away from his wife with another woman. Young Ravachol, after being put to various occupations, embarked on a career of crime, was a coiner, a smuggler, etc., and finally, with the aid of accomplices, committed a series of murders on old people (one ninety-two years of age) who were suspected of having accumulated in their dwellings a little horde of money. These crimes finally brought him to the scaffold at the age of thirty-two. In all respects Ravachol's crimes were in absolute contrast to the acts of a genuine anarchist; he was not a regenticide; he was actuated entirely by self-interest and laziness; he was prepared to commit any atrocity in order to escape detection or arrest, and far from feeling sympathy with the poor and suffering he was himself ready to rob them, and when still a youth he had decamped with the funds of a small circle of working-men of whom he had been made treasurer. Yet he prated volubly of his "political principles," had actually frequented the society of anarchists, and even to the last was regarded by many anarchists as a "comrade." The saddest and most disquieting feature of the trial of Ravachol consisted in the crass ignorance and stupidity of those who acclaimed him as a hero; many letters of admiration were sent to him hinting at wild schemes for saving him from prison or revenging his fate; in more than one of these letters he was compared to Christ. In reality Ravachol was the type of the born-criminal or moral imbecile, a brutal, insolent, and cynical bully, whose character was

clearly written on his face. As happens with such men, his ferocity was unsupported by courage, and his blatant pretension forsook him in the end. He was dragged ignominiously to the guillotine in a state of abject terror. There was nothing here of the quiet and determined courage of Czolgosz, convinced even to the end that he had merely "done my duty."

The investigation of two such typical and yet unlike regenticides as Caserio and Czolgosz clearly shows that they are absolutely distinct alike from the insane group of criminals and from ordinary criminals against the common law. In typical cases, though not in all cases, the regenticide is sane, though imperfectly educated; he has no delusions, though he often over-rates the influence of his act in modifying social conditions. He not only shares the ordinary feelings of humanity, but he possesses them in an exaggerated degree. It is the very excess of his sympathetic sensibilities that impels him to his deed of violence. He execrates the few because he loves the many. The spectacle of the contrast between the poverty and suffering of the many and the luxury and heartlessness of the few arouses in his youthful and uncultivated brain the conviction that the present social system must be destroyed to give way to a better. It thus comes about that in the regenticide sanguinary violence is allied to the most exalted and self-sacrificing altruism. (This view of Anarchistic crime has been well set forth by the Spanish criminologist, Bernaldo de Quirós, in *Las Nuevas Teorias de la Criminalidad*, 1908, pp. 57, 221 *et seq.*, and Hamon, in his instructive work, *Psychologie de l'Anarchiste Socialiste*, well shows the anarchist's hyperæsthetic altruism.) He is, as Bourdeau puts it (art. "Anarchie," Say's *Nouveau Dictionnaire d'Economie Politique*), a "philanthropic assassin." He is a social fanatic who slays in order to save, just as the religious fanatics of old, the Torquemadas and others, similarly slew men's bodies in order to save men's souls. This attitude is not essentially insane or inhuman, though it is sufficiently abnormal to be easily allied with insanity. It most easily arises in young, narrow, and ill-trained minds, unable to see that no individual, however highly placed, is a necessary prop of the present social system, and that in any case it is useless to oppose violence to violence. In many cases, probably, if these regenticidal youths could be preserved from violence for a few years longer, until their knowledge increased and their vision of life widened, they would become respectable and even estimable members of the social state they once wished to destroy.

Page 17. *Criminality among Tramps.*—A special and very degenerate class of occasional criminals is formed by those leading a life of vagabondage (see *ante*, p. 269). They show many anomalies, are often weak-minded and frequently on the

verge of insanity. In Germany, Karl Willmanns has studied 120 tramps who reached the asylum from the workhouse of Kislan ("Die Psychosen der Landstreicher," *Centralblatt für Nervenheilkunde und Psychiatrie*, Dec. 1902.) Most of them had been on the road for many years; only twelve were women. All but twenty-two had at some time found themselves in prison, and in some cases there had been over one hundred convictions. Considerable stress is placed on the influence of alcohol in moulding the lives of tramps. It usually acts slowly, with increasing dislike of work, loss of will-power, and moral depravity, together with stupid well-being; the irritability and tendency to criminality which have often been marked in adolescence gives place to resignation and habits of begging; these alcoholic tramps easily adapt themselves to the routine of the workhouse, and delirium is rare; only when alcohol has produced chronic mental weakness or prolonged insanity do these cases reach the asylum; this occurred in seven cases. Cases of uncomplicated imbecility were only found three times; but imbecility, the author remarks, is the chief recruiting ground for tramps; he finds two classes of imbeciles among tramps—the erethic group, who have much mental restlessness and moral incapacity, with criminal tendencies which render them an anti-social element; and the anergethic or torpid group, who are marked by a slow, good-natured indifference, not usually leading to active criminality. The erethic imbeciles somewhat resemble the hysterical group also found, often with severe syndromes—paralyses, convulsions, etc.—and a tendency to commit minor offences. The tendency to enter on a life of vagabondage not infrequently accompanies the first appearance of maniacal conditions; this was found in four cases. There were also four similar cases of general paralysis. Epilepsy appears in a still higher degree to constitute a predisposing cause of vagabondage, and this group includes nineteen cases, only one being a prostitute, epilepsy, it is remarked, not leading to prostitution so often as hysteria and dementia præcox; the epileptics also constitute the group of tramps most willing to work, with intervals of restlessness. The largest number of his cases—as many as sixty-six—Willmanns places under the head of dementia præcox, and here distinguishes three groups: individuals who were mentally sound until between the ages of twenty and thirty, when they suffered from acute symptoms of insanity, which has left permanent mental weakness or delusions; a second group in which there was no acute outbreak of insanity, but a sudden disturbance of conduct slowly leading up to mental defects or delusions, including characteristic cases of hebephrenia; a third group, definitely pathological from the first, and including the cases of katatonia. The author does not believe that the remarkably large proportion of hebephrenic

and katatonic cases which he has found among tramps can be solely accounted for by their mode of life or by the influence of imprisonment, but considers that the congenital mental condition in such cases directly predisposes to an anti-social and unsettled life. The author admits that many of these cases would by others be regarded as coming under the head of imbecility, but points out that we are not entitled to regard imbecility as a progressive condition; we can at most regard such cases as imbecility on which hebephrenia or katatonia has been grafted. There were several miscellaneous cases: a syphilitic cerebral case, a case of prison psychosis complicated with imbecility, a weak-minded cretin, a typical sane congenital criminal, and five in which the diagnosis remained very obscure. Willmanns concludes that insane tramps present "a variegated mixture of all possible states of mental weakness." Unlike ordinary habitual criminals, who are more active, they usually show passive weakness of intelligence and will.

The psychology of the ordinary tramp has been well studied by Josiah Flynt (the late Frank Willard), who knew tramps intimately, in his *Tramping with Tramps* and other writings. A comprehensive study of tramps—their psychology, causation, treatment, and prevention—has also been made in a Lyons thesis by A. Pagnier, *Du Vagabondage et des Vagabonds* (1906). He gives many detailed cases, and divides them into four classes: (1) Tramps whose vagabondage is symptomatic of insanity; (2) Idiopathic or essential tramps who, without being insane, are notably abnormal or neurasthenic; (3) Tramps by social and economic necessity; (4) Special groups, like the gipsies or the ancient Crusaders. As regards treatment and prevention Pagnier considers that England, and more especially Belgium, are the only countries that are proceeding on the right lines.

Page 76. *The Ear in the Degenerate Classes.*—The ear still continues to be a subject of frequent investigation. Thus De Blasio ("L'Orecchio dei Napolitani Normali e Criminali," *Archivio di Psichiatria*, 1905) has made observations at Naples on the ears of 1,000 normal men and women, as well as of 1,000 criminals of both sexes, and found that anomalies of the ear are more frequent in the degenerates than in the normal persons, and especially frequent in the criminal women. Blau in Germany ("Die Ohrmuschel bei Normalen, Geisteskranken und Verbrechern," *Korrespondenzblatt der Deutschen Anthropologisches Gesellschaft*, 1906, p. 138) measured some 800 persons according to Schwalbe's methods, and found that the anomalies preponderated in the insane and in criminals as compared to the normal persons investigated, as also that the range of variation was greater in the former classes; offenders against morality showed the greatest tendency to abnormality.

It may be added that Gualino ("Il Lobulo Auriculo dal Punts di Visto Antropologico," *Archivio di Psichiatria*, 1903, p. 513) has made observations of the lobules of the ear in nearly 4,000 human subjects, and also investigated its relationship to the anthropoid apes, reaching the conclusion that while a defective lobule, or an abnormally prolonged adherent lobule, may be reckoned as an indication of degeneration, this is not the case as regards a simple adherent lobule, which may rather be regarded as an anomaly of progressive character. Imhofer, also, who compared the ears of 100 idiots with those of 100 normal persons ("Die Ohrmuschel der Schwachsinnigen," *Zeitschrift fur Heilkunde*, 1906, No. 12) also shows that adherent lobule has no degenerative significance, although anomalies of the ear generally were more frequent among the idiots.

Page 84. *Pigmentation and Morbidity.*—It is interesting to compare the tendencies of pigmentation in criminals with the like tendencies in ordinary diseased persons as found in the general hospitals. An interesting investigation by Dr. F. C. Shrubsall, covering 15,000 hospital patients, makes such a comparison possible (See Dr. Shrubsall's valuable monograph, "Physical Characters and Morbid Proclivities," in *St. Bartholomew's Hospital Reports*, 1903, and his condensed papers on "The Anthropometric Investigation of Hospital Patients," *British Medical Journal*, December 24th and 31st, 1904). He finds that fair people are liable to valvular disease of the heart and to acute rheumatism, also to tonsilitis, and possibly to osteo-arthritis. Respiratory and digestive diseases, generally, show no predilection for pigmentary type. Liver disease, if anything, tends to be associated with the brunette, and kidney disease with the blonde type. Pulmonary tuberculosis shows a definite excess of dark individuals in all quarters. The same tendency is still more marked in nervous disease, and especially in epilepsy. The same is true of cancer. Lunacy shows somewhat greater fairness than other nervous diseases. Rufous persons show a marked immunity from the more trivial complaints, and are almost exempt from bronchitis and indigestion, but they are liable to infections, and suffer rather over the average from cancer, consumption, and acute rheumatism. Eye-colour yielded less definite results than hair-colour. The greatest excess of dark eyes, as also of dark hair, was found among the epileptics. In the country, as a whole, the darker members of the community seem to suffer somewhat more from disease than do the fair, but in London there is a relative increase of blond patients. In London also, as in most cities, the population generally tends to be darker than in the country.

Page 116. *Criminal Families.*—Attempts have sometim

been made to minimise the significance of criminal families, but, whatever the exact proportions of the two factors of heredity and environment in their constitution, it cannot be doubted that they exist and that they represent an important social phenomenon. A very large family of this degenerate and largely criminal type has been carefully studied by Dr. Joerger (*Archiv für Rassen- und Gesellschafts-Biologie*, 1905), whose history of the family has been translated into French by Dr. Ladame (*Archives d'Anthropologie Criminelle*, March and April 1908). Joerger has known well the "Zero" family—as it is termed—for twenty years, and has been gradually accumulating data concerning it during this time. His investigation covers 310 persons. "Vagrancy, alcoholism, criminality, immorality, imbecility, mental troubles, and pauperism are, one may say, the patrimony of the Zeros." They are of German origin, and their home is a valley in the Swiss Alps where inbreeding is the rule. The Zeros, however, have not followed this rule; they are, moreover, fond of wandering, though brought back by the police, and they are regarded by the more normal inhabitants of the valley as strangers. They have however, in reality, always belonged to the valley, and are degenerated peasants. They are an old, and, far back, highly respected family; in the sixteenth century a Zero was sometimes Syndic of the Commune. So far as they have any respectable occupation, it has from the seventeenth century been that of millers. The beginning of the decadence of the Zeros was perhaps in the eighteenth century, when they inter married with an insane family; their tendency to vagabondage has, however, been mainly due to a more recent tendency to form alliances with strange women who already possessed that tendency. In physical type the Zeros vary from Germanic fairness to Italian darkness; tall and handsome persons are rare among them. They are usually middle-sized or short, and thei walk, short-stepped and quick with erect figure, contrasts with the slow walk and bent figure of the typical mountaineers around them. Stigmata of degeneration are common; their intelligence, also, is usually small, though their heads are sometimes remarkably large.

Page 155. *Criminality and Feeble-mindedness.*—The masterly and exhaustive report of the Royal Commission on the Care and Control of the Feeble-minded (already referred to in the Preface) has clearly brought out the intimate connection between criminality and feeble-mindedness. The repeated offences of a large number of criminals, the Commissioners concluded, are "the manifestations of a permanent defect of mind," which mere punishment is powerless to improve. The close connection between criminality and mental deficiency has been ably dis-

cussed in Dr. Tredgold's authoritative book, *Mental Deficiency*, 1908 (*Cf.* an article on "The Feeble-minded a Social Danger" in the *Eugenics Review*, July 1909). Dr. J. Milson Rhodes, Visiting Justice to Manchester prison, in a useful paper on "The Mentally Defective in Prison" (*British Medical Journal*, 27th June, 1908), has also brought together facts and opinions to illustrate the magnitude of this question, and has set forth the reforms required. Dr. J. F. Sutherland (*Recidivism*, etc., 1908, pp. 69 *et seq.*) discusses the same subject and states that "no one who has had experience of the criminal and the petty delinquent classes doubts that a considerable number of these units are weak-minded and mentally and morally defective, and obsessed in various directions." Robert Sommer devotes a large part of his admirable work, *Kriminalpsychologie* (1904), to weak-mindedness; like Baer, he considers that a certain degree of mental weakness is found among a very large proportion of criminals, and he fully accepts a criminal type with inborn moral defect and instinctive tendencies to crime, though he rests this type mainly on psychological rather than anatomical data. C. F. Folsom, again, in his *Studies of Criminal Responsibility* (1909, p. 13) states that "this term [weak-minded] I should use as being in a measure synonymous with moral imbecility, differing from it in degree only. . . Every criminal is weak-minded." In this volume of Folsom's, it may be added, are brought together interesting studies of typical criminals: Jesse Pomeroy, Guiteau, Marie Jeannaret, Christina Edwards, Sarah Jane Robinson, and Jane Toppan.

The element of morbid weak-mindedness in criminality is very well illustrated by the case of the French murderer Vidal, who was studied with much thoroughness by Drs. Lacassagne, Boyer, and Rebatel ("Vidal le Tueur de Femmes," *Archives d'Anthropologie Criminelle*, November 1902). He was born in 1867, during the illness of his father, who died three months after his birth. The mother was healthy, but there were numerous cases of epilepsy and other defects in her family. Vidal from a child always showed but little intelligence, especially after typhoid fever at fifteen, and was timid, sullen, and taciturn, though gentle and polite. His mother felt little affection for him, preferring her other son, who had more brilliant qualities, but was immoral and dishonest. On the physical side also Vidal was feeble in early life; he was not expected to live at birth, had convulsions while teething, and nocturnal enuresis until puberty, when he had the severe attack of typhoid which reduced him for a time almost to a state of idiocy, and certainly had a permanent influence on his intelligence. A few years later, in 1887, he began to make sudden flights from his home, with the intention, he said, of finding work elsewhere. During his period of military service (1888-91)

his behaviour seems to have been good. Then, however, he twice had a serious injury to his head in bicycle accidents, and also suffered from malaria, acquired in the Sudan, where he remained for over a year; and in 1891 he began to show tendencies to theft. The people who knew him at this time considered him weak-minded, very emotional and timid, extremely selfish, with an exaggerated love of animals, strong sexual tendencies, and a lack of education. His love of animals was very marked; he could not be cruel even to an insect; he hated the sight of blood, and had a horror of dead bodies. During his stay in the Sudan, however, he acquired alcoholic habits; absinthe was his favourite drink. In 1901, being greatly in want of money, he attempted to kill a young girl of immoral life at Nice; it was not a sudden impulse, he took many precautions, and fled on her screams; another later attempt on another young woman was similarly unsuccessful; the third time the victim was killed, and he escaped with her jewellery; a little later he also killed a shop-girl in a railway carriage. Vidal was tall, and fairly normal in general appearance, but with an unattractive face. His head (dolichocephalic) was very narrow and below the average in circumference, the face very asymmetric; he squinted; his skin showed dermographism. On the whole there was a certain degree of physical degeneration, but the experts decided that he was not insane, though entitled to a slight attenuation of punishment. In prison he was calm, assured, and extremely well-behaved—a model prisoner. There were no signs of epilepsy, and the intelligence, though feeble, was not abnormal or insane. His chief characteristics seemed to be apathy and indolence. This carefully-recorded case is instructive because it clearly shows how on a congenitally feeble-minded basis a criminal temperament is by a series of unfavourable circumstances gradually established.

With reference to Vidal's good record in the army it may be remarked that, as Dr. Paul Rebierre has pointed out in an interesting study ("*Joyeux*" *et Demi-Fous*, 1909), the "joyeux," as are termed those offenders against the common law who perform their military service enrolled in a special African corps, often make most excellent soldiers, although outside military service their moral conduct may be detestable.

Page 157. *Criminality and Intelligence.*—A remarkable example of high intelligence in combination with innate criminality is furnished by Ruloff, who was executed for murder in the United States forty years ago. Like Eugene Aram, Ruloff was an enthusiastic philologist, and, in some respects, by his strange combination of intellectual tendencies and criminal tendencies, he resembled Wainewright, whose history has been set forth in Chapter I. Ruloff was investigated, anatomically and psychologically, by Dr. G. Burr (*Journal of Psychological Medicine*,

New York, 1871, vol. v., pp. 724 *et seq.*), and Burr's account of the case, though written before criminal anthropology had become a recognised study, is still well worth reading; I am indebted to Dr. J. G. Kiernan for calling my attention to it.

Nothing seems to be known of Ruloff's heredity. He never went to college or university. But by the age of sixteen he had acquired a taste for philology, which grew to a passion, and finally rendered even the prospect of death a matter of indifference to him compared with the preservation of his philological theories. He learned many languages, and, especially, he had a very thorough knowledge of Greek. His memory was very remarkable, and he was able to repeat many of the Greek classic writers by heart. Shortly before his execution Professor Mather of Amherst College tested him in this respect and bears witness to his proficiency. Even more remarkable, Mather states, was his skill in defending his philological opinions, and the wealth of illustrations he was able to bring forward; "in fact," said Mather, "I should say that subtlety of analysis and of reasoning was the marked characteristic of his mind." He had great faith in the future of his theories. This faith seems, however, to have been unjustified. He was evidently lacking in really high intellectual power; his theories commanded no assent, and even his own published statements of them are said to be frequently incoherent. It would appear that his philological aptitude merely represented a higher stage of the aptitude presented by the *idiot savant.* Ruloff's intellectual interests were not, however, entirely confined to philology, nor was he merely a brute outside those interests; by many he was regarded as mild and amiable, and he was much loved by children.

But on the other side of his nature Ruloff was an instinctive criminal, lacking in the perception of the rights of others. He combined, as it were, Burr says, two different people. He lived unhappily with his wife; she and her child mysteriously disappeared, and there is reason to think that he murdered them. With certain associates, whom he had gained an influence over, he engaged in a series of burglaries; he was frequently caught and sent to prison after these exploits, for he displayed an extraordinary stupidity—which was certainly of psychic significance—in running into danger on these occasions. It was when attempting a burglary with two associates that he at last met his fate. A courageous clerk obstinately opposed the burglars; Ruloff finally shot him dead. He was captured, but his two associates escaped, though they were immediately afterwards drowned in attempting to cross a river. Ruloff showed no compunction for his act. He seems to have felt that he had merely shot the clerk in self-defence, while he believed that robbery was justifiable in so far as it aided him to further his

immensely important philological theories. He was fifty years old at death.

Ruloff was 5 ft. 8 ins. in height, very squarely and robustly built, with a determined face and steady grey eyes. His hair was coarse, and stood out stiffly; his voice was harsh and shrill. His general physical texture was coarse, though, it would appear, without marked anomalies. The skull and brain are described by Burr. The brain, as removed from the skull, was heavy, weighing altogether 59 ozs. He had been pronounced sane by the experts, and though this opinion was disputed it seems to have been technically sound.

Page 270. *The Relation of Criminality to Prostitution.*—I have fully discussed the psychology and anthropology of prostitutes, as well as the factors in the causation of prostitution, in a lengthy chapter of *Studies in the Psychology of Sex* (Vol. VI., "Sex in Relation to Society," ch. viii.). The same subjects are briefly but comprehensively considered by Dr. Iwan Bloch in the *Sexual Life of our Time* (ch. xiii.), and will be dealt with fully by the same author in a forthcoming work devoted to prostitution.

Page 281. *The Sadistic Factor in Criminality.*—The morbid element in criminality is well illustrated by that class of crime—the most obviously horrible of all—in which blood is shed in order to gratify a perverted and more or less overpowering sexual impulse. I have discussed the origin and nature of this impulse in the study of "Love and Pain" in the third volume of *Studies in the Psychology of Sex.* The acts of the sadistic criminal pervert are best known in England by the series of "Jack the Ripper" crimes, the perpetrator of which was never detected. His essential character may, however, be judged by that of the author of an almost precisely similar series of crimes in France, Vacher, whose case has been studied with much zeal and care by several distinguished psychologists, anatomists, and criminal anthropologists working in association (Laborde, Manouvrier, Papillault, and Gellé, "Etude psycho-physiologique, médico-légale et anatomique sur Vacher," *Bulletin de la Société d'Anthropologie de Paris*, fasc. v., 1899; Lacassagne also has embodied a medico-legal investigation of Vacher in a volume in which he studies the whole subject, *Vacher l'Eventreur et les Crimes Sadiques*).

Vacher was born in 1869 at Beaufort (Isère), and belonged to a large and honest family, cultivators of the soil. The ancestry appeared to be quite healthy, though it was subsequently learned that the father, at the age of forty, and before Vacher's birth, had suffered from a prolonged fever, during which he had to be strapped down; it was also found that another very near rela-

tion suffers from mental attacks, during which he quits his work suddenly and runs at random, shouting and singing. Vacher does not appear to have suffered from any serious early illness, but from childhood he is described as sulky, disobedient, unsociable, and later incapable of work. At the age of eighteen he was placed in a monastery as a postulant; two years later he was sent away, having made attempts to commit unnatural offences on his comrades, attempts which he renewed on a child. A little later we find him in the hospital with a venereal disorder. In 1890 began his period of military service. At this time definite mental symptoms appeared; he obtained the grade of sergeant, but he was feared by all under him, and was liable to attacks of extremely violent conduct. In 1891 he was placed in the infirmary for observation, as being subject to "gloomy ideas, with delusions of persecution"; there was also a certain incoherence in his language. He was shortly after sent to the hospital with a diagnosis of "mental troubles." This rather vague diagnosis was here interpreted more precisely as "melancholia, with ideas of persecution, impulses of violence, and erotomania." Nor were associated impulses to homicide and suicide absent, for when sent away as convalescent he went to join a young woman whom he was to marry. She, however, would now have nothing to do with him; whereupon he fired at her with a revolver, and then attempted to kill himself. The girl's wound was slight, his own serious, for the shot were left in his head, producing inflammation of the inner ear, deafness, and facial paralysis on one side. It is suggested that hereby his mental troubles were complicated by hallucinations of hearing. However that may be, having again been put under observation in an asylum, he was finally dismissed from the army on account of "mental troubles." Up to this point there is no question as to Vacher's insanity. Lacassagne, however, and the officially appointed experts who reported on the case, believe that he left the asylum sane, and that he was fully responsible for the subsequent acts. This conclusion is attacked with much point and vigour by Laborde, while Manouvrier wisely remarks that the question is insoluble.

Now began the series of crimes—at least eleven in number—with which Vacher's name is associated. They all have the same stereotyped character, and are marked by premeditation and system. He selected a young shepherd or shepherdess (sex apparently made little or no difference) in an isolated spot, and strangled the victim, then cutting the throat; next he proceeded to disembowelling, and to removal of breasts or testes; finally he struck the victim at random, and violated the corpse. He would bring with him a change of clothes, and putting them on he would leave the spot with much rapidity and go so long a distance (he had a powerful muscular system) that identifica-

tion became impossible. He maintained that he was "executing the orders of God, who had sent him on earth to punish men for their crimes." He also asserted that he was moved by a sudden and irresistible impulse, a rage for blood. Finally, having been caught, and the official experts declaring that he was completely responsible for his actions, Vacher was executed.

His brain came into the hands of Dr. Toulouse, who cut up the right hemisphere for histological purposes, and put the left into a powerful preservative solution, then inviting Professor Manouvrier to examine it. According to the report of the latter, it was no longer possible to form an exact estimate of the weight of the brain, but this was clearly over the average, and the fissures were also deep; it must be remembered, however, that Vacher was well developed generally. There were no signs of adherence of the pia mater. A few variations in the fissures and convolutions were noted, but not of an excessively rare character; it would be quite fanciful, Manouvrier declares, to regard them as stigmata of degeneresccence.

It is of interest to compare with Vacher another criminal sadist who was of different temperament but not less typical of a group. This is Riedel, who was very thoroughly studied by Lacassagne, Rousset, and Papillon. ("L'Affaire Riedel", *Archives d'Anthropologie Criminelle*, Oct.-Nov. 1907.) Riedel was a congenital sanguinary sadist of eighteen, a seminarist who killed another boy and was finally sent to an asylum. From the age of four he had had voluptuous sensations connected with ideas of blood and of killing, and liked to play games of killing with other children. Unlike Vacher, he was infantile in physical development, with a pleasant, childlike expression of face. He was very timid, modest, and delicate, strongly religious in temperament, and he hated obscenity and immorality. But the love of blood and of murder was an irresistible obsession, and its gratification produced immense emotional relief.

There is some difference of opinion as to whether sadistic and similar crimes involve insanity and legal irresponsibility. This is illustrated by the various views maintained in regard to Vacher. The general question is discussed by Dr. Harold Moyer, "Is Sexual Perversion Insanity?" (*Alienist and Neurologist*, 1908) and he decides that it is not. The same view is maintained by Dr. J. G. Kiernan in an interesting paper, bringing together many cases, on "Psychological Aspects of the Sexual Appetite" (*Alienist and Neurologist*, April 1891). It seems to be unquestionable that sexual perversion in itself by no means involves insanity, though it may often involve constitutional degeneration. When, however, such perversion is manifested in a violently anti-social manner the question of insanity must always come up for consideration.

Page 287. *Kraepelin on Moral Imbecility.*—It should be added that Kraepelin no longer denies the identity of moral imbecility and innate criminality. Thus in his *Einfuhrung in die Psychiatrische Klinik* (1901, Lecture xxix.), after demonstrating with his usual skill an admirably typical case of moral imbecility, he proceeds: "The moral incapacity of the patient, appearing in youth, stands in a certain opposition to his mental endowment. It is also sufficiently clear in daily life that morality and intelligence are largely independent of each other. It is therefore usual to describe the condition in such cases as moral imbecility or moral feeble-mindedness. Such persons are born criminal natures; they are distinguishable from ordinary criminals only by the extent of their moral incapacity or the complete inadequacy of their will for the restraining experiences of life, that is by their fundamental incorrigibility."

Page 345. *The Probation System.*—This system is now recognised as of the greatest value and importance in dealing with young criminals. Like the indeterminate sentence, it has been developed in the United States, where it has existed for half a century in Boston, and it is now extended to twenty-five of the largest cities in the States. It is already being adopted in England, and it has taken root in Italy. In idea, however, it is by no means modern. Its principle was embodied in Roman jurisprudence and in canon law, as well as in the old English system of recognisances. "Probation is, however," as Mr. T. R. Bridgwater well says in an instructive pamphlet on the subject (*Origin and Progress of the Probation System*, 1909) "a new term in its application to judicial penal procedure. It is a test, a trial of the character of a convicted offender under suspension of judgment, in order that the Court may determine if the probationer be fit to retain his or her place as a helpful member of society, or being unfit, must be deprived of his or her liberty as a menace to society. It is established for the purpose of correction and oversight. It is a conditional freedom. It recognises that the surer and better way to govern the law-breaker is not through the expiring system of the cell and the lash, but rather through the mind and heart." The Probation system is concerned with the offender and not with the offence, and its object is to protect society by reforming rather than by repressing. In these directions, as Mr. Bridgwater remarks, the Probation System creates a new era in penology.

In England the Children Act (1908)—which largely repeals the First Offenders' Act and previous statutes relating to Reformatory and Industrial Schools—enables a Court to deal with all cases of children (under 14) and young persons (between 14 and 16) by (*a*) dismissing the charge, or (*b*) discharging the offender on his entering into a recognisance, or (*c*) discharging

offender and placing him under the supervision of a Probation Officer, or (*d*) committing offender to the care of a relative or fit person; it also provides for a child liable to be sent to an Industrial School being placed under a Probation officer. The previous Probation of Offenders' Act (1907) deals with adults, and for all cases and in all Criminal Courts permits release of offenders; it is not limited to first offenders, nor is any period fixed for probation. The precise duties of Probation Officers are not fixed by statute, but officers may be either men or women. There can be no doubt that the system will be further developed.

Page 375. *The Sterilisation of the Unfit.*—In the Preface I have briefly referred to the growth of the movement in favour of the sterilisation of the unfit, and to the steps which have been taken in Switzerland to adopt it in practice, following on examples already set in some of the United States. The castrations in question took place in the Swiss Cantonal Asylum at Wil, and are reported in the sixteenth Annual Report (for 1907) of the Asylum. There were four cases, two in women and two in men. The two women, of whom one was epileptic and the other weak-minded, were both liable to attacks of excessive sexual excitement, and both had several illegitimate children which had been a burden on the community, so that the local authorities were opposed to their liberation from the asylum. One of the men was psychically abnormal and with a tendency to satyriasis; the other was of good intelligence but had homosexual impulses and was unable to resist the temptation to commit offences with minors. All four of these persons were able to earn their own living, but their sexual tendencies rendered them a danger to others and a burden to the community. It was thus on social, and not on medical, grounds that their castration became desirable. They themselves were willing, and in one case anxious, to undergo the operation; the consent of the relations and the authorities was also obtained. The result was in all four cases, at the date of the Report, highly satisfactory; they were all living in freedom and able to earn their living without risks to others. (These cases are quoted with approval in the *Psychiatrisch-Neurologische Wochenschrift*, No. 2, 1909; and are also summarised and commented on by Dr. Näcke in the *Neurologisches Centralblatt*, 1st March 1909.) Professor Näcke has long been a distinguished advocate of the sterilisation of the degenerate classes in the interests of society and the race. (See *e.g.* P. Näcke, "Die Kastration bei gewissen Klassen von Degenerirten als ein wirksamer socialer Schutz," *Archiv für Kriminalanthropologie*, Bd. III. 1899.)

There are serious objections to actual castration, or removal of the sexual glands, whether in man or woman, for there is

now good reason to believe that the secretions of these glands play an important part in the system. It is, however, quite simple to effect sterilisation without castration, by section and ligature of the *vas deferens* in men (vasectomy), and of the Fallopian tubes in women; the operation is easy and harmless in both sexes. Sterilisation (mostly in the form of castration) has often been advocated in a highly injudicious manner and for cases in which it is quite unsuited, more especially in the United States. It should never be inflicted as a punishment, for in that form it cannot fail to have a degrading influence on the person subjected to it. It is a measure which must be regarded as a protection to the individual, to society, and to future generations, and should only be carried out with the consent of the man or woman concerned. I have discussed this question in the sixth volume of my *Studies in the Psychology of Sex*, "Sex in Relation to Society," Chap. XII.

Page 369. *The Notion of "Responsibility."*—Two noticeable books have been published in England on this question during recent years, both able, though both refrain from accepting the modern conception of social protection as the fundamental basis of all defence against anti-social action: Dr. Charles Mercier's *Criminal Responsibility* (1905) and Dr. H. Oppenheimer's *Criminal Responsibility of Lunatics* (1909). Dr. Mercier, approaching the problem from the medical and psychological standpoint, and regarding retribution as the main aim of punishment, means by "responsible" "rightly liable to punishment," and advocates a legal standard of responsibility adjusted to his conception. Dr. Oppenheimer, who, though a doctor of medicine, is a lawyer and mainly places himself at the legal point of view, considers that Mercier suffered shipwreck at the very outset by inscribing "*criminal* responsiblity" on his title-page, for his work deals not with criminal but with moral responsibility. (Dr. Mercier's book has been vigorously criticised from another point of view in the *British Medical Journal*, 24th February 1906, p. 445.) Criminal responsibility, Oppenheimer insists—quite justly according to the standpoint taken in the present work—is a purely legal conception. It is to be approached, he considers, not by the study of psychology or of psychiatry, but by the effort to master the elementary notions of jurisprudence set forth by Austin. To hold all madness to be equivalent to irresponsibility, and to leave the decision in medical hands (as is done in France) is, Oppenheimer considers, to encourage unchecked licence. "The really effective aspect of the sanctions provided by the penal law," Oppenheimer thinks (p. 129), "is not their application, but the threat which they contain; and if their genuine function is the prevention of crime, they fulfil that function essentially by

determent; and they supply to every would-be offender, *ab initio*, a motive tending to counteract all those motives and desires which urge him on to the commission of the crime." It is easy to see that Oppenheimer's conception is as open to criticism as he finds Mercier's to be. It attempts to set up a barrier against the influence of psychology, which in Germany and other countries lawyers are welcoming, and by regarding the application of laws as of minor consequence it tends to encourage injustice, and is thus opposed to the whole tendency of progress. The object of law must be regarded as not mainly retribution, which can never be accurately estimated, nor determent, which is too narrow an aim and risks injustice, but social protection, which involves no excess of punishment and renders necessary the effort to make crime unnecessary and to reform the offender. Penality is *a reaction of defence* and also a method of prophylaxis; it is a preservative and has nothing to do with any theological or metaphysical conceptions. (This point is elaborated by F. Carle in a Paris thesis, *Essai sur Quelquas Points de Criminologie*, 1909.)

Those who wish to understand the conception of punishment, its origin and development, would do well to study the recent masterly work of Professor Westermarck, *Origin and Development of the Moral Ideas* (1906-8), especially Chapter III. While not placing himself definitely at the standpoint of social defence (considering that the doctrine of social defence, like all other doctrines, cannot be carried to its full length), Westermarck points out that the doctrine of punishment as retribution (advocated by Mercier) is now almost universally condemned, and the doctrine of punishment as determent (advocated by Oppenheimer) would lead to wild excesses and injustices. He considers it surprising that these doctrines should have survived so long.

Ancient views persist, however, for a long time, and, as the Spanish criminologist, C. Bernaldo de Quirós, has pointed out in his admirable work, *Las Nuevas Teorias de la Criminalidad* (1908), it is possible to trace three streams of tendency in modern theories of penality: (1) traditional, (2) reformist, (3) radical. The traditional tendency is to combat crime by punishment alone, and to regard that punishment as a retribution. This conception in its complete form Bernaldo de Quirós (who has evidently not heard of Mercier) regards as no longer existing; "like extinct faunas and floras it has no place in our modern world." He finds vestiges of it, however, in various criminologists, such as Makarewicz, and in some of the Italian school, like Lombroso and Garofalo, who from this point of view are reactionaries. The reformist school includes many distinguished names like Von Liszt, Ferri, Prins, Von Hamel, etc., and its activities are represented by the International Union of Penal Law founded in 1889. This school is by far the largest,

and is eclectic in its methods, for without breaking entirely with the old repressive methods it seeks to assimilate the results of recent anthropological and sociological studies. It thus includes thinkers whose general outlook is very varied, from Hegelians to positivists. The radical school is small, though it will doubtless gain influence in the future. It occupies itself exclusively with prevention, and thus transfers to criminology a tendency which has already become marked in medicine. It admits the necessity of social defence, but, though it recognises that severity is sometimes required, it refuses to accept the idea of punishment; its severity is not for the sake of punishment, but solely a method called for by social protection. Vargha is in Italy a representative of this school, and, in Spain, Dorado, the most distinguished of Spanish criminologists. Kropotkin belongs to the same school. Its tendency may be said to be to apply to criminals somewhat similar methods to those applied for a century past to the insane, who are no longer punished, but are, so far as possible, rendered innocuous. Tolstoy may be regarded as the representative of the ultra-radical extreme, for, as it has been said, the moral of his *Resurrection* may be summed up in the words: "crime is a punishment, and punishment is a crime." It may be added that the Probation System of dealing with offenders now becoming so thoroughly developed and so extensively adopted, shows, inasmuch as it dispenses with punishment, the growing influence of ideas identical with those that are advocated by the so-called "radical" school of penologists.

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